



Whitchurch Town Council

STANDING ORDERS

These Standing Orders were adopted by Council on 20th September 2018 and replace the previous version of 20th July 2017.

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NB. Orders below in capitals are mandatory and may not be suspended.

1. MEETINGS

- a. **Meetings of the Council shall be held in each year on such dates as the Council may direct. In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year.**
- b. **Meetings of the Council shall be held at the Civic Centre, Whitchurch, at 7.15 p.m. unless the Council otherwise decides at a previous meeting, or the Mayor (or Deputy Mayor in the Mayor's absence) takes the decision in advance of the notice of the meeting, as a matter of expediency.**
- c. **Additional meetings shall be held as required by the Town Council. The Mayor (or Deputy Mayor in the Mayor's absence) may convene an extraordinary meeting at any time. Any two Members may convene an extraordinary meeting, having previously requisitioned the Mayor and received a refusal or where the Mayor has omitted to call such a meeting within seven days of requisition.**
- d. **Meetings of Council shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- e. **Meetings shall not exceed a period of 2 hours unless the Council resolve to continue. In which case a break of 10 minutes may be permitted before business is resumed.**

NOTE: Any reference in these Standing Orders to the powers and duties of the Chairman shall also apply to the powers and duties of the Town Mayor, in respect of full Council.

2. THE STATUTORY ANNUAL MEETING

- a. **In an election year, the annual meeting of Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of Council shall be held on such day in May as the Council may direct.**

3. MINUTES

- a. **The minutes of a meeting of Council, committee or sub-committee shall record all resolutions made and in the case of committees and sub committees, all recommendations to Council.**
- b. **The minutes of a meeting shall record the names of councillors present and absent. Members are expected to give their apologies in advance of the meeting if they are unable to attend and their reason for non-attendance. These must be recorded in the Minutes.**

4. CHAIRMAN OF THE MEETING

- a. **The Mayor will preside at the Council meeting if present. In the Mayor's absence, the Deputy Mayor will preside.**
- b. **If both the Mayor and deputy Mayor are absent, the Council will approve a chairman from amongst the Councillors present.**

- c. The person presiding at a meeting may exercise all the powers and duties of the Mayor in relation to the conduct of the meeting.

5 QUORUM OF THE COUNCIL

- a. Five members shall constitute a quorum.
- b. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared Disclosable Pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

(For a quorum relating to a committee or sub-committee, please refer to standing order 30.g.)

6 VOTING

- a. Unless Standing Orders provide otherwise, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- b. Members shall vote by show of hands or, if a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it, or abstained. Such a request may be made before or after the vote but in any event before moving on to the next business.
- c. Subject to (i) and (ii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.
 - (i) The Chairman may not give an original vote in the election of the Chairman on any occasion when he/she will immediately after such election, retire from the Council.
 - (ii) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

7 ACCEPTANCE OF OFFICE

Following an election, Councillors should execute Declarations of Acceptance of Office in the presence of a Proper Officer (or Mayor, in the absence of the Proper Officer) previously authorised by the Council to take such declaration, before the annual meeting commences.

8 ORDER OF BUSINESS –ANNUAL MEETING

At each Annual Council Meeting the first business shall be:

- a. To elect the Town Mayor (Chairman of the Council) from among the elected members; a co-opted member cannot be elected. An elected member does not have to be present at the meeting to be elected but must have indicated their consent to be proposed. The retiring Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the annual meeting of the Council.
- b. To receive the elected Town Mayor's declaration of acceptance of Office or, if not then received, to decide when it shall be received.

- c. **To elect a Deputy Town Mayor (Deputy Chairman of the Council) from among the elected members; a co-opted member cannot be elected. An elected member does not have to be present at the meeting to be elected but must have indicated their consent to be proposed. The retiring Deputy Mayor shall, unless he/she resigns or becomes disqualified, hold office until immediately after the election of the Mayor at the annual meeting of the Council.**
 - d. To receive the Deputy Mayor's declaration of acceptance of Office or, if not then received, to decide when it shall be received.
 - e. To receive apologies for absence.
 - f. To receive declarations of interest.
 - g. **In the ordinary year of election of the Council, to decide how to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - h. **Confirmation of the accuracy of the minutes of the last meeting of the Council.**
9. After the first business has been completed, the order of business at the annual meeting of Council, unless the Council otherwise decides on the grounds of urgency or expediency, shall be as set out below.
- (a) To receive such communications as the Mayor may wish to bring before the Council.
 - (b) To dispose of business, if any, remaining from the last meeting.
 - (c) Public participation
 - (d) To review terms of reference and any delegation arrangement to committees and sub-committees.
 - (e) To appoint statutory or standing committees as may be required by the Town Council, make nominations to them and to appoint Chairmen and Vice Chairmen.
 - (f) To appoint representatives to outside bodies.
 - (g) To review any parts of the Constitution, governance document and policies as necessary.
 - (h) To decide on the Council's eligibility to exercise the General Power of Competence.**
 - (i) To agree the annual calendar of meetings, unless this has been done at a previous meeting.
 - (j) To answer questions from councillors.
 - (k) To consider motions or recommendations in the order in which they have been notified.
 - (l) To receive and note minutes of and/or to determine recommendations made by committees.**
 - (m) To receive and consider reports from officers of the Council.
 - (n) To authorise the approval of payments.**

10 ORDER OF BUSINESS – OTHER COUNCIL MEETINGS

- a. **At every meeting other than the Annual Meeting, the first business shall be to appoint a chairman if the Mayor and Deputy Mayor are absent and to receive such declarations of acceptance of office outstanding from the Annual Meeting.** The business will where applicable, generally follow a similar order to the Annual Meeting. The Town Clerk may amend the order as necessary to facilitate the smooth transaction of business.
- b. Any annual review of the pay and conditions of service of existing employees shall be undertaken by Finance and Resources Committee in accordance with the national pay negotiations. Any review outside of this shall be referred to Council for ratification.

11 URGENT BUSINESS

At the meeting, a motion to vary the order of business on the ground of urgency or expediency:

- a. May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b. Shall be put to the vote without discussion.
- c. **If urgent business is added to the Agenda, the item may be discussed but no formal decision may be made. The Town Clerk does have delegated authority to deal with urgent matters in consultation with specified Members.**

12 MOTIONS REQUIRING WRITTEN NOTICE

- a. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least 7 clear days before the next meeting of the Council.
- b. The Town Clerk shall date every notice of motion or resolution when received by him/her, shall number each notice in the order in which it was received and shall record it in a form which shall be open to the inspection of every member of the Council.
- c. The Town Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he/she intends to move it at some later meeting or that he/she withdraws it.
- d. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Mayor, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- f. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties or which affects its area.

13 MOTIONS NOT REQUIRING WRITTEN NOTICE

Resolutions dealing with the following matters may be moved without notice:-

- a. To appoint a Chairman of the meeting.
- b. To correct the Minutes of the previous meeting.
- c. To approve the Minutes of the previous meeting.
- d. To alter the order of business.
- e. To dispose of any business remaining from the last meeting.
- f. To proceed to the next business.
- g. To close or adjourn the debate.
- h. To refer a matter to a committee.
- i. To appoint a committee or any members thereof or to dissolve a committee.
- j. To note the Minutes of a committee or sub-committee.
- k. To consider a report or recommendations from a committee or sub-committee or officer.
- l. To authorise the sealing of documents.
- m. To approve the absences of councillors.
- n. To approve the payment of monies.
- o. To amend a motion.
- p. To give leave to withdraw a resolution or amendment.
- q. To extend the time limit for speeches.
- r. To consider otherwise than in a committee, a question affecting an employee of the Council.
- s. To exclude the public or press. (see Standing Order 40 below)
- t. To silence or eject from the meeting a member named for misconduct. (see order 18c below)
- u. To give the consent of the Council where such consent is required by these Standing Orders.
- v. **To suspend any Standing Order. (see Standing Order 50a below), except those which are mandatory by law.**
- w. To adjourn the meeting.

14 QUESTIONS

- a. **A member may ask the Mayor any question concerning the business of the Council, provided 7 clear days' notice of the question has been given to the person to whom it is addressed.**
- b. A Member may ask the chairman of a committee, sub-committee or working party any question concerning the business of the committee, sub-committee or working party, provided 7 clear days notice of the question has been given to the person to whom it is addressed.
- c. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- d. Every question shall be put and answered without discussion.
- e. A person to whom a question has been put may decline to answer or opt to provide a written answer before the next meeting.
- f. A member without notice may ask the Chairman of a Committee any question upon the business of the Committee then before the Council, if the question is put before the Council's consideration of those proceedings is finished.

15 MINUTES

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

16 **RULES OF DEBATE**

- a. A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b. A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his speech until a later period of the debate.
- c. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- d. No speech shall exceed 3 minutes except by consent of the Council.
- e. An amendment shall be either:
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others
 - (iii) To insert or add words.
- f. An amendment shall not have the effect of negating the resolution before the Council.
- g. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the substantive resolution upon which any further amendment may be moved.
- h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i. The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
- j. A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k. A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confirmed to some material part of a former speech by him/her which may have been misunderstood.
- l. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m. When a resolution is under debate no other resolution shall be moved except the following:-
 - (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.
 - (v) That a member named be not further heard.
 - (vi) That a member named do leave the meeting.
 - (vii) That the resolution be referred to a committee.
 - (viii) To exclude the public or press or both.
 - (ix) To adjourn the meeting.
- n. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

- o. Members shall address the Chairman.
- p. If two or more members begin to speak, the Chairman shall call upon one of them to speak and the others to defer.
- q. Whenever the Chairman rises during a debate all other members shall be seated and silent.

17 CLOSURE

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

18 DISORDERLY CONDUCT

- a. **All members must behave in a manner required by the Code of Conduct currently adopted by the Council.**
- b. **No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into disrepute.**
- c. **If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.**
- d. **If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.**

19 RIGHT OF REPLY

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

20 ALTERATION OF RESOLUTION

A member may, with the consent of his seconder, move amendments to his own resolution.

21 RESCISSION OF PREVIOUS RESOLUTION

- a. **A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 5 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.**

- b. **When a special resolution or any other resolution moved under the provisions of paragraph a. of this Order has been disposed of, no similar resolution may be moved within a further six months.**

22 VOTING ON APPOINTMENTS

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

23 DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 40.)

24. PROPER OFFICER

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he/she shall be the Town Clerk, or other officer employed and appointed by the Council. Duties of the Proper Officer will include:

- a. **To receive and retain declarations of acceptance of office.**
- b. **To forward a copy of each Member's Declaration of interests and any changes to it, to the Monitoring Officer. To retain a copy and any changes to it and to keep available for inspection and displayed on the Council's Website.**
- c. **To receive and record declarations of Ordinary interests and Disclosable Pecuniary interests, declared at the meeting, in accordance with the Councillors' Code of Conduct.**
- d. **To receive and retain plans and documents.**
- e. **To sign notices or other documents on behalf of the Council.**
- f. **To arrange legal deeds to be signed by two councillors and witnessed.**
- g. **To receive & retain copies of bylaws made by the principal Council.**
- h. **To certify copies of bylaws made by the Town Council.**
- i. **To keep proper records of meetings of the Council and committees and make available for inspection.**
- j. **To process any communications or requests under the Freedom of Information Act 2000 and Data Protection Act 1998.**
- k. **To serve on councillors by post at their residences, delivery or by email authenticated in such manner as the Proper Officer thinks fit (provided the councillor has consented to service by email), a signed summons confirming the time, place and the agenda for Council or committee or sub-committee at least 3 clear days before the meeting. (3 clear days excludes the day on which the notice is served, the day of the meeting, Sundays, a day of the Christmas or Easter breaks or a bank holiday, or a day appointed for public thanksgiving or mourning)**
- l. **To give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council, committee or sub-committee.**
- m. **To receive and send general correspondence and notices, on behalf of the Council except where there is a regulation to the contrary.**
- n. **To manage the organisation, storage and access to information held by the Council in paper and electronic form.**
- o. **To action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.**

The Town Clerk and other officers of the Council shall have the authority and duties given to them under the Council's Scheme of Delegation.

25. RESOLUTIONS ON EXPENDITURE

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance & Resources Committee or of another committee after recommendation by the Finance & Resources Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, except when this impact is already accommodated in an approved budget shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance & Resources Committee shall report on the financial aspect of the matters).

26. EXPENDITURE

- a. **Approved cheques and other Orders for the payment of money, including instructions for electronic payments, shall be signed by two members, from a minimum of four Members nominated by Council at the start of the four year cycle but reviewed annually.**
- b. **Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations. The Financial Regulations shall be reviewed at least once a year.**
- c. **The Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an officer. Payments made under delegated authority must be included in a report in accordance with Order 27.**
- d. *[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

27. ACCOUNTS AND FINANCIAL STATEMENT

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Financial Regulations and must be reported to the next ordinary Council meeting.
- b. Where it is appropriate in the efficient execution of Council business to make a payment before it has been authorised by the Council, or Finance & Resources Committee, but it is not a payment delegated to the Town Clerk or Responsible Financial Officer (RFO) for approval, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the Town Clerk or RFO (if different) for payment in consultation with the Chairman or Vice-Chairman of the Finance & Resources Committee.
- c. All payments ratified under sub-paragraph (b) of this Standing Order shall be separately identified in the next schedule of payments before the Council.

28. ESTIMATES / PRECEPTS

- a. **The Council shall approve written estimates and set a Precept for the coming financial year at its meeting before the end of January each year.**
- b. Any committee desiring to incur expenditure to be defrayed out of the rates shall, not later than 31st December, give to the Town Clerk a written estimate of the expenditure recommended for

the coming year, and such estimate shall be submitted to the Council at its meeting in January when the Council is considering its Budget and Precept for the coming financial year.

29 SEALING OF DOCUMENTS

- a. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b. Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

30 COMMITTEES & SUB COMMITTEES

- a. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, but subject to any statutory provision in that behalf:
 - (i) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
 - (ii) May appoint persons other than Members of the Council to any Committee (Except Finance Committee), but such persons will not have power to vote; and
 - (iii) May subject to the provisions of Standing Order **21** above at any time dissolve or alter the membership of committee.
 - (iv) An ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- b. The Mayor and Deputy Mayor (ex-officio) shall be a member of every committee, but cannot vote when attending in the ex-officio role. The Mayor and Deputy Mayor can be appointed onto a Committee by Council and may vote, but they should not automatically be Chair or Vice Chair of the Committee.
- c. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year. For standing committees these issues shall be determined at the Annual Council meeting.
- d. The Chairman of a committee or the Mayor may summon an additional meeting of that committee at any time. An additional meeting may also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- e. Every committee may appoint sub-committees for purposes to be specified by the committee.
- f. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- g. The quorum of a committee or sub-committee shall be three Members or a third of its total membership whichever is the larger.

- h. The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

31. WORKING PARTIES & ADVISORY COMMITTEES

- a. The Council may create working parties to look at specified issues and advise it accordingly. It must determine the terms of reference and membership as for a committee, however as any working group is not a formally constituted committee and is not open to the public, it may not have any delegated authority to make decisions. Usually working groups will operate on a task and finish basis.
 - (i) Voting in a working group will be as for a committee see Standing Order **32** below.
- b. The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
 - (i) The Council shall determine the terms of reference of the committee.
 - (ii) An advisory committee may make recommendations and give notice thereof to the Council
 - (iii) An advisory committee may consist wholly of persons who are not members of the Council.

32. VOTING IN COMMITTEES

- a. **Members of committees and sub-committees entitled to vote shall by show of hands, or, if at least one member so requests, by named ballot.**
- b. **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

33. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- a. A member who has proposed a resolution which has been referred to any committee of which he/she is not a member, may explain his resolution to the committee but shall not vote.
- b. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he/she is not a member. The Council member may speak on an item on the Agenda with the permission of the Chairman, but may not join in the debate or vote.

34. RESPONSIBLE FINANCIAL OFFICER

- a. The Responsible Financial Officer (R.F.O.) of the Council shall usually be the Town Clerk but can be another permanent or temporary officer of the Council upon a resolution of Council. The Town Clerk and other officers of the Council shall have the authority and duties given to them under the Council's Scheme of Delegation.
- b. The duties of the R.F.O. shall include the following, along with any additional items specified in Financial Regulations:
 - (i) To prepare financial reports for the Finance & Resources Committee, and/or the Council.

- (ii) To prepare draft estimates. When approved by Council these will form the basis of budget monitoring during the year. To report thereon to Finance & Resources Committee.
- (iii) To submit the precept to the Unitary Council and supply any breakdown requested.
- (iv) To bank regularly (daily if necessary), all money received and expended by the Council.
- (v) To ensure that all money due to the Council is billed and collected promptly.
- (vi) To manage cash flow and control investments and bank transfers.
- (vii) To control payments by cheque.
- (viii) To handle the overall management of payroll. To ensure prompt payment of tax and national insurance to Inland Revenue in real time.
- (ix) To take overall responsibility for submission of VAT returns and to deal with VAT inspections.
- (x) To verify and code (i.e. allocate to expenditure heads) suppliers' invoices prior to certification for payment.
- (xi) To prepare and balance final accounts in accordance with the regulations and report thereon to Finance & Resources Committee and the Council.
- (xii) To produce accounts and records for external audit in accordance with the regulations.
- (xiii) To arrange for internal audit review of all aspects of the Council's financial affairs in accordance with regulations.
- (xiv) To monitor compliance with the Council's financial regulations and to ensure correct financial systems are in place.
- (xv) To manage insurance risk. To process claims as necessary. To report annually to Finance & Resources Committee or Council on insurance risk covered.
- (xvi) To maintain the Council's register of property and assets.
- (xvii) To be familiar with and to administer the computerised accounts system.

35 CODE OF CONDUCT AND INTERESTS

- a. All councillors shall observe the Code of Conduct adopted by the Council.**
- b. If a member has a Disclosable Pecuniary interest, or Ordinary Interest as defined by the Code of Conduct currently adopted by the Council, then he/she shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required. All interests declared at a meeting must be recorded in the Minutes.**
- c. If a member has declared a Disclosable Pecuniary interest, he/she must withdraw from the meeting during consideration of the item to which the interest relates. If the member has been granted a dispensation by the Council, he/she must still declare the interest but may take part in the discussion and vote.**
- d. Councillors must, in accordance with the Code of Conduct currently adopted by the Council, register in Shropshire Council's Register of Councillors' Interests details of their Disclosable Pecuniary Interests by completing the appropriate form and delivering this to the Town Clerk, who will forward it to the Monitoring Officer.**
- e. Councillors must keep their registered interests up to date by completing the appropriate form and delivering this to the Town Clerk, who will forward it to the Monitoring Officer.**
The Town Clerk will send out forms prior to the Annual Town Council meeting each year, to give members the opportunity to update their interests in the Register.
- f. The Town Clerk shall hold a copy of the Register of Member's Disclosable Pecuniary Interests in accordance with the Councillors' Code of Conduct and ensure it is displayed on the Town Council's Website (or have a direct link to Shropshire Council's Website) and available in hard copy for inspection if requested. The Town Clerk shall also keep a copy of all dispensations granted by the Council.**

- g. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- i. **A decision as to whether to grant a dispensation shall be made by a meeting of the Council**, or by the Proper Officer in accordance with the Council's Scheme of Delegation **and that decision is final.**
- j. **A dispensation request shall confirm:**
 - (i) **the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;**
 - (ii) **whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;**
 - (iii) **the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and**
- i. **an explanation as to why the dispensation is sought.**
- k. **A dispensation may be granted in accordance with standing order 35i above, if having regard to all relevant circumstances the following applies:**
 - (i) **without the dispensation, the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or**
 - (ii) **granting the dispensation is in the interests of persons living in the council's area,**
or
 - (iii) **it is otherwise appropriate to grant a dispensation.**
- l. **The Town Clerk shall also keep a copy of all dispensations granted by the Council.**
- m. Upon notification by the Shropshire Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Town Council's code of conduct, the Proper Officer shall report this to the Council.
- n. Where the notification in standing order 35l above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of this fact, and the Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 25.o below.
- o. The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

- p. **Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him, based on the recommendations of the Monitoring Officer or Council's Standards Committee. Such action excludes disqualification or suspension from office.**

36. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- a. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment as an employee of the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
- b. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment, providing they are not part of the selection process.
- c. Standing Order Nos. 36a & 36b shall apply to tenders as if the person making the tender were a candidate for an appointment.

37. If a candidate for any appointment under the Council is to his knowledge related to any member or the holder of any office of the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure.

38. INSPECTION OF DOCUMENTS

- a. **A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.**
- b. **All minutes kept by the Council and by any committee or sub-committee shall be open for the inspection of any member of the Council.**
- c. **All requests for information held by the Council shall be processed in accordance with the Council's Publication Scheme and Information Guide and the Freedom of Information Act 2000, but also in compliance with Data Protection legislation.**

39. UNAUTHORISED ACTIVITIES

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a. Inspect any lands or premises which the Council has a right or duty to inspect; or
- b. Issue orders, instructions or directions; or
- c. Issue or make a statement to the press or media; unless authorised to do so by the Council or the relevant committee or sub-committee.

40. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- a. **The public shall be admitted to all meetings of the Council and its committees and sub-committees (but not working parties), which may, however, temporarily exclude the public by means of the following resolution:-**

“That the Council/Committee resolve to exclude the press and public under the Public Bodies (Admission to Meetings) Act 1960, from the matters set out below on the grounds that it could involve the likely disclosure of private and confidential information or staff matters”.

- b. **The Council shall state the special reason for exclusion.**

- c. The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

41. PUBLIC PARTICIPATION

At all meetings, members of the public are permitted to make representations, ask questions and give evidence in respect of business being transacted at the meeting and about any other matter for which the Council has a responsibility or which affects the Town. The Chairman will at the appropriate point of the Agenda, adjourn the meeting so as to allow any members of the public to address the meeting. All encouragement will be given to members of the public to participate in this session.

- a. Each member of the public who wishes to speak should signify to the Chairman at the beginning of the session.

- b. When invited to speak in turn by the Mayor/Chairman, each speaker will give his name and state the subject matter on which he/she requests to speak.

- c. No person may speak on more than two items and in total for no longer than 3 minutes.

- d. If a person is making substantially the same points or asking questions that have previously been asked, the Mayor may ask the person to sit down.

- e. The Mayor/Chairman may decline to accept a question for the reason that the reply would include the disclosure of confidential information.

- f. If having heard the response to a question, the person who asked it may ask one related, supplementary question.

The response to any question asked, may take the form of:

- a. a direct oral answer;

- b. where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Written answers will be published on the Council's Website and copied to each Council Member.

- 42.** In addition to the public participation session in Order 40 above, The Mayor/Chairman has discretion to suspend Standing Orders on any agenda item to allow a member of the public to ask a question or make a statement. Members of the public are not allowed to join in the debate however.

Where members of the public participate at Planning Committee Meetings, the Chairman will ensure

that equal opportunity is given to a person(s) promoting an application, opposing an application and to civic/local representations. The Chairman will explain that only material planning arguments can be taken into account by the Committee.

43. Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council or committee without permission, but otherwise may:

- a. film, photograph or make an audio recording of the meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.

The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

- d. **Subject to Standing Order (43), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

44. PUBLIC ORDER

If a member of the public interrupts the proceedings, or is offensive at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting

45. PETITIONS

At any meeting, any Member may present a petition, signed by persons other than Members of the Council, which is relevant to some matter for which the Council has a responsibility or which affects the Town.

- a. A Member wishing to present a petition shall give notice of his/her intention to do so to the Town Clerk at least twenty-four hours before the beginning of the meeting at which it is to be presented.
- b. The presentation of a petition will last for no more than three minutes.
- c. No discussion will take place on any petition, but any Member may move that a matter raised by a petition be referred to the appropriate committee or sub-Committee. Once seconded, such a motion will be voted on without discussion.

46. CONFIDENTIAL BUSINESS

- a. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council, any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b. Any member in breach of the provisions of paragraph (a) of this Standing Order shall be excluded from the confidential part of any meeting of the Council and may also be in breach of the Members Code of Conduct.

47. LIAISON WITH COUNCILLORS OF THE PRINCIPAL AUTHORITY

A notice of meeting of the Council shall be sent together with an invitation to attend, to all Councillors who represent the Town on the Unitary Authority. Council may suspend Standing Orders to allow such councillors to address it.

48. PLANNING APPLICATIONS

- a. The Town Clerk shall, as soon as it is received, keep a file copy of every planning application notified to the Council.
- b. The Town Clerk shall refer every planning application received to the members of the Planning Committee for consideration, and arrange a meeting of the Committee where appropriate and in accordance with the Planning Guidance.

49. COMPLAINTS PROCEDURE

The Council shall deal with complaints made against it or against any officer or member in accordance with the Complaints Procedure adopted by the Council, except for those complaints which should be properly directed to the Monitoring Officer or to any other regulatory body listed in the Complaints Procedure for consideration.

50. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- b. A resolution at a meeting to permanently add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- c. Standing Order 50b will not apply where the proposed amendment is a response to a written report on a review of Standing Orders, circulated in advance with the Agenda of the Meeting.

51. STANDING ORDERS TO BE GIVEN TO MEMBERS

- a. A copy of these Standing Orders shall be given to each member by the Town Clerk as part of the Constitution upon delivery by him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.
- b. The chairman's decision as to the application of Standing Orders at meetings shall be final.

52. RESIGNATION

- a. Councillors may, at any time, resign from the Council by written notice delivered:-
 - i. in the case of a councillor, to the chairman of the council;
 - ii. in the case of the Chairman of the Council to the council or the meeting, as the case may be;and the resignation shall take effect upon the receipt of the notice by the Chairman or Council as applicable.
- b. Resignations must be by written notice which may be by a letter sent or delivered to the Chairman/Council as applicable or by email or by an attachment to an email sent to the Chairman or Council as applicable.

- c. Notice of an intention to resign at a future date cannot be given by written notice as the resignation is effective immediately upon receipt of the written notice. Should a Councillor or Chairman wish to give notice to resign they should only give verbal notice followed by written notice on the intended resignation date.
- d. Once received by the Chairman or Council as applicable the resignation cannot be withdrawn.

On being notified of a resignation the Proper Officer is to immediately notify the Returning Officer at Shropshire Council of the vacancy in order that the election process can commence.

53. CONSTITUTION

- a. The Council shall maintain and periodically update a Constitution to advise Members and the public how the Council conducts its business and how decisions are made.
- b. The contents of the Constitution will be determined by Council but will always contain Standing Orders, Standing Orders for Contracts, Financial Regulations, Members' Code of Conduct and the Publication Scheme.

54. TOWN MEETING

- a. The Council will facilitate the annual Town Meeting, to be held between the 1st March and 1st June (both inclusive) each year.
- b. The Town Council will fix the day and time of the Town Meeting but it must not commence earlier than 6pm.
- c. At least 7 days public notice must be given of the meeting, specifying the time and place thereof and the business to be transacted.
- d. The press and public have the same rights of admission as they have to a meeting of the Town Council.
- e. The Town Mayor, if present presides at the Town meeting or in his/her absence the Deputy Mayor. If neither are present, the meeting elects a chairman from the local government electors for the Town who are present.

55. HONORARY TITLES

The Council may introduce the award of honorary titles by resolution, in accordance with legislation.

56. TRAINING AND DEVELOPMENT

The Council will determine and execute an annual training plan for its Members.

57. CERTIFICATES IN RECOGNITION OF OUTSTANDING SERVICE

The Council may award a Certificate in recognition of outstanding service to an individual or organisation, on the recommendation of the Mayor, for service to the Town during the Mayor's term of office.

58. YOUTH COMMITTEE

The Council may make provision for an informal committee of young persons which will operate in

accordance with a Constitution approved by Council, or support a separate Youth Council. Members of the Youth Committee may attend Council meetings and will at the discretion of the Mayor be allowed to make reports, ask questions or raise issues on a specific item on the Council Agenda.

59. GENERAL POWER OF COMPETENCE

- a. The General Power of Competence permits principal councils and eligible local councils to do anything that individuals generally may do. It is in the Localism Act 2011, s1(1) and becomes the power of first resort.
- b. Before exercising the General Power of Competence, the full Council must have passed a resolution at an ordinary meeting, that they meet the relevant eligibility criteria: a Town Clerk who holds a recognised qualification and the number of councillors elected at the last ordinary election or subsequent by-elections is equal to or exceeds two thirds of the total number of councillors.
- c. Local councils are also required by regulation to pass a resolution at each subsequent relevant annual meeting that it meets the conditions of eligibility. Relevant annual meeting is one following an ordinary election.

60. PRAYERS AT COUNCIL MEETINGS

- a. If the Council has adopted the General Power of Competence, it may if it wishes include prayers as part of the meeting.
- b. If the Council is not eligible to adopt the General Power of competence and it wishes to hold prayers, prayers may take place before commencement of the meeting, but Members cannot be summoned to attend.

61. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- a. The Council shall appoint a Data Protection Officer.
- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data. The Council shall have a written policy in place for responding to and managing a personal data breach.
- c. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- d. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- e. The Council shall maintain a written record of its processing activities.

62. MANAGEMENT OF INFORMATION

- a. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and

electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

- b. The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- e. The Council shall maintain a written record of its processing activities

Revision Date: September 2018