

# Axminster Town Council – Standing Orders

**Reviewed & re-adopted by FULL Council without revision on 13<sup>th</sup> May 2024**

**Standing Orders shown in BOLD are statutory and not subject to revision.**

## Index:

1. Ordinary Meetings
2. Extraordinary Meetings
3. Disclosable Pecuniary Interests (DPI) and Dispensations.
4. Voting
5. Statutory Annual Meeting
6. Disorderly Conduct
7. Minutes and Agendas
8. Committees and Working Parties
9. The Code of Conduct (for Councillors)
10. Code of Conduct Complaints
11. Other Complaints
12. Council Accounts and Financial Statements & Governance.
13. Financial Matters
14. Contracts and Tenders
15. The Proper Officer (and RFO)
16. Execution and Sealing of Legal Deeds
17. Handling Confidential and/or Sensitive Information  
and responsibilities under data protection legislation.
18. Handling Employment Matters
19. Freedom of Information / Subject Access Requests
20. Variation, Revocation & Suspension of these Standing Orders
21. Communicating with District & County Councillors (and MP's)
22. Dealing with the Press / Media.
23. Restrictions on Councillor Activities

## **1. Ordinary Meetings.**

**1.1 Meetings 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.**

**1.2 When calculating the three clear days' notice for a meeting, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, a bank holiday, or a day appointed for public thanksgiving or mourning shall not count.**

1.3 Councillors shall receive a summons to a Council meeting in accordance with standing order 1(b) above by way of either a notice delivered by hand or by first-class post and/or a notice sent by electronic means, including but not limited to email communication.

1.4 A copy of this summons is to be sent to all those whom the Council wishes to invite formally, who may include (but not be limited to) the local MP, the District Councillor, the County Councillor, the Police Representative, the Footpath Warden, the Honorary Tree Warden, the Road and Snow wardens and any other persons whose attendance at the meeting Council believes would be beneficial for the purpose of making a report, either verbal or written. This copy is to be delivered by post, by hand or by electronic means.

1.5 A notice shall also be displayed in a prominent position on the Town noticeboards situated at The Guildhall, at Millwey, Woodbury and at Raymonds Hill alerting members of the public to the time and date of the meeting. A copy of summons including an agenda shall also be posted on the Council's publicly accessible website in accordance with standing order 1.2 above.

1.6 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present, and in no case shall the quorum of a meeting be fewer than five. If a quorum is not present, or if during a meeting the number of Councillors present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at a following meeting.

**1.7 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part, or all, of a meeting shall be by a resolution which shall give reasons for the exclusion.**

1.8 Subject to standing order 1.7 above, members of the public are permitted to make representations, ask and answer questions, and give evidence in respect of any item of business whether or not included in the agenda during the public forum item as stated on the meeting agenda. At the discretion of the Chair, members of the public and other attendees may be invited to speak on matters outside of the public forum.

1.9 The period of time designated for public representations (public forum) at a meeting in accordance with standing order 1.8 above shall not exceed thirty (30) minutes unless that period is extended by the Chair presiding at that meeting.

1.10 Subject to standing order 1.9 above, a member of the public shall ordinarily not speak for more than two (2) minutes without the agreement of the Chair presiding.

1.11 At the discretion of the Chair, members of the public and other attendees may be invited to speak on matters outside of the public forum.

1.12 In accordance with standing order 1.8 above, a public question shall not require a response at the meeting or start a debate on the question. The Chair of the meeting may direct that a written or oral response be provided at a later date to be agreed by Council.

1.13 Any member of the public wishing to speak shall raise their hand and await the agreement of the Chair to proceed. If a microphone is provided, the member of the public is asked to use this facility to ensure that their representation is recorded as part of the public record of that meeting.

1.14 Any member of the public making a representation shall direct their comments/representation to the Chair of the meeting, and not to any individual Councillor or Officer present.

1.15 Only one member of the public is permitted to speak at any given time. If another member of the public wishes to speak, they are asked to act in accordance with standing orders 1.13 above and wait to be called to speak by the Chair.

1.16 The constituency MP, the County Councillor, the District Councillors and Police Representative are permitted to speak during Council / Committee meetings at the discretion of the Chair presiding.

**1.17 Any person who attends a Council meeting may report on the proceedings of the meeting. A person present may not give an oral report or commentary during the meeting but may film, photograph or make an audio recording of proceedings; use any other means to enable people not present to see or hear proceedings as they take place or later; use written reporting on the proceedings during or after the meeting; or use oral reporting after the meeting.**

**1.18 The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

**1.19 The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair shall preside. If both the Chair and the Vice-Chair are absent from a meeting, another Councillor (as appointed by the Councillors present at the meeting) shall preside. No meeting shall proceed without a Chair being present or appointed.**

**1.20 The Councillor presiding at a meeting (having been appointed) may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.**

**1.21 Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his or her absence be done by, to or before the Vice-Chair.**

1.22 The Council shall comprise a maximum of fifteen Councillors from which the Chair and Vice-Chair shall be elected, as per standing order 5.10 below. 10 Councillors represent the Town Ward, 3 represent the Weycroft Ward and 2 represent the Raymonds Hill Ward.

1.23 No meeting shall ordinarily extend beyond 2 hours without a proposal to extend that period being put to members present and subsequently resolved upon.

## **2. Extraordinary Meetings.**

**2.1 The Chair of the Council (or Committee) may convene an extraordinary meeting of the Council (or Committee) at any time.**

**2.2 If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council (or Committee) within seven days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council (or Committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors (and not the Proper Officer).**

## **3. Disclosable Pecuniary Interests (DPI) & Dispensations.**

**3.1 Councillors must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which they are present where an item of business which affects or relates to the subject matter of that interest is under consideration (unless the interest is a sensitive interest, as defined by the Localism Act 2011, in which event its nature need not be disclosed).**

**3.2 Councillors must make a verbal declaration of the existence and nature of any non-disclosable pecuniary or personal interests at any meeting at which they are present (see Axminster Town Council's adopted Code of Conduct Policy for a definition of a non-disclosable pecuniary interest).**

**3.3 Councillors must comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest (unless they have obtained a dispensation). Councillors must leave the room while the item is considered.**

**3.4 A dispensation may be granted to permit a member to discuss and vote on an item where they have a disclosable pecuniary interest if, after having had regard to all relevant circumstances, the Council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede its transaction, or considers that granting the dispensation is in the interests of persons living in the authority's area, or considers that it is otherwise appropriate to grant a dispensation. A member must submit a written request to the Council for a dispensation via the Proper Officer.**

**3.5 A dispensation must specify the period for which it has effect and not exceed four years.**

**3.6 No member of the Council shall disclose to any person who is not a member of the Council any business declared to be confidential by the Council (see standing order 16 below).**

#### **4. Voting.**

**4.1 All motions / proposals put forward for consideration at a meeting shall be decided by a majority vote of the Councillors present and eligible to vote.**

4.2 Members shall vote verbally or by show of hands unless the proposal to be voted upon is deemed by the Chair to be of a confidential nature, whereupon a paper vote can be utilised by agreement of the majority of Councillors attending. In the event of a split decision, the Chair's casting vote shall be used. If a paper vote is utilised, the Proper Officer will tally votes and announce the result.

**4.3 At the request of a Councillor to the Chair, the voting on any motion or proposal under consideration shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

**4.4 The Presiding Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote, whether or not they exercised an original vote.**

**4.5 A Councillor who has a disclosable pecuniary interest or another interest as set out in the Council's adopted Code of Conduct Policy in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on their right to participate and vote on that matter.**

#### **5. Statutory Annual Meeting.**

**5.1 In an election year, the statutory Annual Meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**

**5.2 In a year which is not an election year, the Annual Meeting of the Council shall be held on such date in May as the Council may direct.**

**5.3 If no other time is fixed, the Annual Meeting of the Council shall take place at 7.00 pm.**

**5.4 In addition to the Annual Meeting of the Council, at least five other Ordinary Meetings of the FULL Council shall be held in each year on such dates and times as the Council directs.** However, it should be noted that the Council generally holds a meeting once a month, usually on the second Monday of the month, but which is subject to standing order 1.6 above, with the exception of August, where the Council has previously resolved NOT to hold an Ordinary (FULL) Meeting. However, other committee meetings and extraordinary meetings can still be convened if required.

**5.5 The election of the Chair and Vice-Chair of the Council shall be the first business completed at the Annual Meeting of the Council.** The election of the Chair and Vice-Chair can also be referred to as the Election of the Mayor (and Deputy Mayor) of Axminster.

5.5.1 Any Councillor (be they elected or co-opted members but not appointed) is permitted to serve as the Chair of the Council (subject to their annual election).

**5.6 The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.**

**5.7 The Vice-Chair of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.**

**5.8 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**

**5.9 In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes**

**5.10 At each Annual Meeting of the Council, the business must include:**

- i. elect a Chair and Vice-Chair of the council;**
- ii. receive the Chair's Declaration of Acceptance of Office;**
- iii. (in an election year) delivery by the Chair of the Council and Councillors of their Declaration of Acceptance of Office Forms unless the Council resolves for this to be done at a later date;**
- iv. (in a year which is not an election year) delivery by the Chair of the Council of their Declaration of Acceptance of Office Form unless the Council resolves for this to be done at a later date.**

**5.11 Furthermore, at each Annual Meeting of the Council, the business shall ordinarily also include (unless members propose [and vote upon] a motion to defer that business to another meeting of the Council or a duly-constituted Committee);**

- i. review the Council's policies and procedures, including but not limited to: Standing Orders, Financial Regulations, Council's Code of Conduct Policy, Risk Management Policy, Complaints Policy, Statement of Intent as to Community Engagement, Delegation Policy, Publication Scheme, Training Policy, Grant Application and Award Policy, Health and Safety Policy, and Disciplinary & Grievance Policy;**
- ii. review inventory of land and assets, including buildings and office equipment;**
- iii. review the Council's procedures for handling requests made under the Freedom of Information Act 2000, the Data Protection Act 2018 and the General Data Protection Regulation 2016/679;6**
- iv. review and confirm arrangements for insurance cover in respect of all insured risks;**
- v. review designated bank signatories for payments and online payment authorisations;**
- vi. review banking arrangements, including interest levels on accounts;**

**vii. review and confirm appointment of honorary positions, including Tree Warden, Snow & Road Wardens and P3 Footpath Warden;**

**viii. review and confirm Councillors' allowances for forthcoming year** (albeit this matter should be considered by Councillors as part of the Annual Budget and Precept consideration for the following financial year).

**ix. review and confirm Chair's allowance for forthcoming year;**

**x. review the pay and conditions of service of existing staff** (to be considered as a Part Two matter in light of the confidential employment information likely to be discussed).

**xi. review declarations of interest and notify East Devon District Council of any changes;**

**xii. review the Council's and employees' memberships of other bodies;**

**xiii. review/update the Town Councils Forward Plan, Strategic Plan and Operational Plan;**

**xiv. resolve (if applicable) to permit the Town Council to utilise the General Power of Competence for a further 12 months as outlined in the Localism Act 2011.**

## **6. Disorderly Conduct.**

6.1 No person(s) shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) moderate or improve their conduct.

6.2 If person(s) disregard the request of the Chair to moderate or improve their conduct, any Councillor or the Chair may move that the person(s) be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

6.3 If a resolution made under standing order 6.2 above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending, adjourning or closing the meeting and authorising the removal of the person(s) who has (have) behaved offensively or improperly from the meeting using reasonable and proportionate force and, if necessary, the involvement of law enforcement representatives.

6.4 For the avoidance of doubt, the standing orders 6.1 to 6.3 inclusive shall apply equally to members of the public and press, and members of the Council.

## **7. Minutes and Agendas.**

**7.1 The minutes of a meeting shall record the names of Councillors present and absent** and the time, date and venue of that meeting.

7.2 All minutes kept by the Council, in a chronologically ordered manner, shall be available for the inspection by any member of the Council or the public subject to reasonable notice being given.

7.3 If a copy of the draft minutes of a preceding Council or Committee meeting have been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.

7.4 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.

7.5 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed and initialled by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

7.6 Draft minutes will be posted on the Town Council's publicly accessible website at least three days prior to the day of the meeting and annotated as such. Once a resolution has been made to approve the minutes, a copy of the approved minutes will be made on the same website. Approved minutes for prior Council or Committee meetings will be published on the website.

7.7 The Town Council is not obliged to publish the approved minutes on the community noticeboards but may choose to do so at the behest of the presiding Chair.

7.8 Agendas for the previous Council and Committee meetings will be published on the Council's publicly accessible website.

7.9 Meeting agendas will be published in accordance with standing order 1.5 (above).

7.10 The Town Council will ordinarily publish a schedule of all proposed Council and Committee meetings in January annually.

## **8. Committees and Working Parties.**

8.1 The Council may resolve to form duly delegated committees and working parties comprised of a number of Councillors and (in certain instances) non-councillors. Working parties may consist wholly of persons who are non-Councillors but such persons shall have no voting rights or powers to make decisions binding on the Council.

8.2 Issuance of agenda summons for committee meetings must conform to Standing Order 1.2 (above).

8.3 Meetings of such working parties may be convened without the need for statutory notice to be given as per Standing Order 1.2 and agendas and minutes of any such working parties are not required to be made available to the public, albeit any business discussed therein may be considered confidential and subject to requirements of Standing Orders 17.1 and 17.2.

8.4 Any such working parties formed shall be designated as advisory only and shall have no delegated or decision-making powers or functions. The Council reserves the right to dissolve any such working party as it determines necessary by way of a resolved motion to that effect.

8.5 The Town Council shall determine Terms of Reference (and any delegated authority arrangements) for Committees and shall review these Terms of Reference at least once every two years.



8.6 Each Committee shall meet at least three times per annum.

8.7 Other than in respect of the ordinary (scheduled) meetings of a Committee, the Chair and members of that Committee may determine the need for additional meetings (subject to standing orders 2.1 and 2.2 above).

8.8 The membership of a Committee shall be agreed upon by a resolution of the FULL Council.

8.9 No business may be transacted at a Committee meeting unless at least one-third of the whole number of members of the Committee are present, and in no case shall the quorum of a Committee meeting be fewer than three. If a quorum is not present, or if during a Committee meeting the number of Councillors present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the Committee meeting shall be adjourned and business not transacted shall be transacted at a following Committee meeting.

8.10 Under no circumstances may non-Committee members be co-opted onto that Committee (in order to create a quorum) on the basis that such members would not have had the necessary Notice of Agenda Summons nor access to papers and documents relevant to the business being considered.

8.11 All Committee meetings shall contain a suitable period for Public Representation (Public Forum) – see standing orders 1.7 to 1.18 inclusive above.

8.12 The Chair (and if deemed appropriate, the Vice-Chair) of a Committee shall be elected from within the membership of that Committee as the first item of business of that Committee in May (or as soon thereafter) annually.

8.13 No business shall be considered or resolved upon at a Committee meeting unless a Chair is presiding.

## **9. The Code of Conduct (for Councillors).**

9.1 All Councillors shall observe the adopted Code of Conduct adopted by the council (see standing order 5.11i) which shall be adopted/re-adopted annually at the Statutory Annual Meeting.

9.2 All Councillors shall be provided with a copy of the extant adopted Code of Conduct (policy) upon their election/co-option/appointment to the Town Council.

9.3 Unless they have been previously granted a dispensation, a Councillor shall withdraw from a meeting when a matter, in which they have a disclosable pecuniary interest, is being considered. They may return to the meeting after the matter in which they had the interest has been considered and voted upon by the remaining members of the Council.

9.4 **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.

9.5 A decision as to whether to grant a dispensation shall be made by a meeting of the Council, and that decision is final.

9.6 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
- iv. an explanation as to why the dispensation is sought.

9.7 Subject to standing orders 9.5 and 9.6 above, dispensation requests shall be considered at the start of the meeting for which the dispensation is required.

**9.8 A dispensation may be granted in accordance with Standing Order 9.6 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.**

## **10. Code of Conduct Complaints.**

10.1 Upon notification by the District Council's Monitoring Officer that they are dealing with a complaint that a Town Councillor has breached the Town Council's Code of Conduct, the Proper Officer shall report this to the FULL Council, unless the information is confidential or sensitive and which for those reasons would not be in the public interest (this advice will be sought from the Monitoring Officer).

10.2 Where the notification in standing order 10.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member (or Councillor) 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 10.4 below.

10.3 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

**10.4 Upon formal notification by the District Council’s Monitoring Officer that a Councillor has breached the Town Council’s adopted Code of Conduct Policy, the Council shall consider what, if any, action to take against him or her. Such action shall exclude disqualification or suspension from office** although a member of the Town Council can be removed from the membership of a committee on which they currently serve.

10.5 Grievances lodged by an employee of the Council against a specific Councillor (as opposed to the Council as a collective body) must be dealt with by way of the Code of Conduct process in conjunction with the District Council Monitoring Officer.

10.6 Mindful of the legal case, *Moore vs Bude-Stratton* (2001), it should be noted that the Town Council can and may be deemed “vicariously liable” for the actions of an individual member of the Council even if they were not acting on the instructions of the FULL Council at the time that their actions were undertaken. It is therefore beholden upon all members of the Council to be mindful of their behaviour, language and actions at all times when acting in a manner which could conceivably bring the entire Council into disrepute.

## **11. Complaints.**

11.1 The Council shall deal with complaints of maladministration purportedly committed by the Council, or by any officer or member, by following the Complaints Policy previously adopted and published on the Council’s publicly accessible website.

11.2 In accordance with standing order 5.11i), the Complaints Policy shall be reviewed at least annually.

11.3 The Town Council shall maintain a Complaints Register into which shall be recorded the details of all complaints against the Town Council, the actions taken by the Council to deal with those complaints and any further actions resolved upon by the Council as a result. This register shall be available for public inspection (if requested) albeit that the Public Copy of the register shall be duly and suitably redacted to remove any confidential or sensitive or personal data held by the Council.

## **12. Council Accounts and Financial Statements & Governance.**

12.1 The term “*proper practices*” in these adopted standing orders refers to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide.

12.2 All payments by the Council shall be authorised, approved and paid in accordance with the law and proper practices and the Council’s extant and adopted Financial Regulations and shall be supported by a duly recorded or attested power.

12.3 The RFO (Responsible Financial Officer) shall supply to each Councillor, either electronically or in written form, before each Ordinary FULL Meeting, a financial statement summarising the council’s receipts and payments and balances held for the financial year to date and (at least quarterly) a comparison with the budget for the financial year, highlighting any actual or potential overspends.

12.4 The “*Monthly payments to be Approved*” schedule for any particular month shall be circulated to all Councillors before the Ordinary Meeting of Council as per standing order 12.3 and, upon approval of those payments by resolution, the total figure of such payments for that month shall be recorded in the minutes of that meeting.

12.5 A summary of the financial data presented to Councillors shall be published in advance of the meeting on the Council’s publicly accessible website for public scrutiny and inspection, unless that financial data is determined to be classed as confidential, whereupon that data will be suitably redacted or removed from the documents published.

12.6 Upon approval of the financial statements at each Ordinary FULL Council Meeting, a Councillor will be asked to sign the records as a true record of the Council’s financial position at that time. Wherever possible, no individual Councillor shall sign the approved records on more than three consecutive occasions as per the requirements of Council’s Internal Financial Control Review policy.

12.7 As soon as possible after the financial year end (as at 31 March annually), the RFO shall provide:

- i. a statement summarising the Council’s receipts and payments for the last quarter and the year to date; and
- ii. the accounting statements for the year in the form of section 2 of the Annual Return (Accounting Statements), as required by proper practices, for consideration and approval of the Council.

12.8 The year-end accounting statements shall be prepared in accordance with *proper practices* and applying the form of accounts determined by the Council (receipts and payments) for a full financial year to 31 March. A completed draft Annual Return (AGAR) shall be presented before the end of the following month of May. The Annual Return of the Council, which is subject to external audit including the Annual Governance Statement and Annual Accounting Statement, shall be presented to the Council for consideration and formal approval in accordance with the pre-notified and published requirements of the nominated External Auditor by the 30<sup>th</sup> June following the end of the relevant preceding financial year.

12.9 The RFO is to prepare, and present to the Council for approval each month, a bank reconciliation report and supply copies of the Council’s bank statements in support of said bank reconciliation report to Councillors. Once considered and approved by the Council, a Councillor shall sign the document as a true and accurate record of the bank reconciliation. This signed document is to form a part of the Council’s permanent financial records.

12.10 The RFO is to maintain a system of accounting which enables the accurate recording of VAT (Value Added Tax) paid by the Council in respect of its expenditure and to submit regular VAT claims to the statutory bodies at least twice per financial year but, if possible, quarterly. Such claims (and receipts) are to be advised to the Council within the RFO’s monthly report.

12.11 The RFO is to report any receipt of grant income from third parties to the Council as soon after receipt into the Council’s nominated bank account as is possible/practicable.

12.12 The RFO is to provide the Council with the means and information to monitor and review effectively the deadlines, assessment and payment of grant awards to third-party applicants in accordance with the Council’s published Grant Assessment and Award Policy.

### **13. Financial regulations and matters pertaining to them.**

13.1 The Council shall annually consider and approve Financial Regulations drawn up by the RFO which shall include detailed arrangements in respect of the following:

- i. the accounting records and systems of internal control;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments;
- v. procurement policies (subject to Standing Order 14.1 below), including the setting of values for different procedures where the contract has an estimated value of less than £40,000

### **14. Contracts and Tenders.**

**14.1 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £40,000 shall be procured on the basis of a formal tender as summarised in standing order 14.2) below**

14.2 Any formal tender process shall comprise the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (a) the Council's specification; (b) the time, date and address for the submission of tenders; (c) the date of the Council's written response to the tender; and (d) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised in a local newspaper and in any other appropriate manner;
- iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
- vi. tenders are to be reported to and considered by the Council.

14.3 The Council is not bound to accept the lowest tender, estimate or quote.

14.4 Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract; if either of those regulations apply, the Council must comply with EU procurement rules.

## 15. The Proper Officer (and RFO).

15.1 The Council's Proper Officer and RFO shall be the Clerk. The Council's Proper Officer shall do the following:

- i. sign and serve on Councillors, by delivery, via post or email, at their residences a summons confirming the time, date, venue and agenda of a meeting of the Town Council or a meeting of a committee of the Town Council at least three clear days before that meeting;**
  - ii. give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (or committee) (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**
  - iii. send an invitation to attend a meeting of the Council and an agenda to Councillors of the District and County Council representing its electoral ward, together with any other attendees that the Council deems appropriate to the business being discussed at that meeting;
  - iv. facilitate inspection of the minute book by local government electors;
  - v. retain a copy of every Councillor's Register of Interests, include these on the Council's publicly accessible website, make them available for inspection and provide a copy to the District Council in the prescribed format;
  - vi. arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
  - vii. forward to the Councillors sitting on the Planning Committee (by email) every planning application received within 72 hours of receipt from the Local Planning Authority and to facilitate a planning committee meeting or an extraordinary meeting if the nature of a planning application requires consideration before the next Ordinary Meeting of the Council where such applications cannot be dealt with by way of the delegated authority afforded to the Chair of the Planning Committee and the Council's Proper Officer in consultation with all members of the Planning Committee;
  - viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - ix. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form subject to agreement by the Town Council in accordance with the statutory guidelines and regulatory recommendations set out in the Data Protection Act 2018 and the General Data Protection Regulation 2016/679;
  - x. process requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with, and subject to, the Council's procedures relating to the same;
  - xi. receive and retain Declarations of Acceptance of Office from Councillors;
  - xii. convene a meeting of full Council for the election of a new Chair of the Council occasioned by a casual vacancy in his or her office;
  - xiii. arrange for legal deeds to be signed by two Councillors\* and witnessed by the Proper Officer;
- \* In normal circumstances, the Chair and Vice-Chair of the Council*
- xiv. receive and retain copies of byelaws made by other local authorities;
  - xv. manage access to information about the Council via the previously adopted Publication Policy.

15.2 A copy of these Standing Orders and Financial regulations and the Council's adopted Code of Conduct Policy shall be given to each member by the Proper Officer upon delivery to him or her of the Councillor's Declaration of Acceptance of Office which contains a written undertaking to comply with the Code of Conduct adopted by the Council.

## **16. Execution and sealing of deeds and other legal papers.**

16.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution beforehand.

16.2. In accordance with a resolution made under Standing Order 15.1 xiii) above, any two members of the Council\* may sign, on behalf of the Council, any deed required by law, and the Proper Officer shall witness their signatures.

*\* In normal circumstances, the Chair and Vice-Chair of Council*

## **17. Handling confidential or sensitive information**

17.1 The agenda, papers that support the agenda, and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which (for those reasons) would not be in the public interest to publish, circulate or disseminate.

17.2 Councillors and employees shall not disclose such confidential or sensitive information. Any such disclosure without good cause would be considered a breach of the Council's adopted Code of Conduct Policy and may also bring the Council into disrepute or result in legal and financial actions against this Council.

17.3 The Council may decide to appoint a Data Protection officer.

**17.4 The Council shall maintain policies and procedures to ensure that the Council will respond within the statutory timeframes set out in such legislation to enable any individual to exercise their statutory rights concerning their personal data.**

**17.5 The Council shall maintain a written policy for responding to, and managing, any event where there has been an actual, or potential, data breach.**

**17.6 The Council shall maintain a record of all such data breaches (whether actual or potential) which will comprise the facts relating to the event, the effects, and the remedial action taken by the Council to address the consequences of that breach.**

**17.7 The Council shall ensure that the information communicated in its privacy notices and statements are easily accessible and available to any person who wishes to access them. The privacy notices and statements shall also be regularly reviewed to ensure that they remain up-to-date and contain the correct and accurate information.**

**17.8 The Council shall maintain a written record of its data processing activities.**

## **18. Handling matters pertaining to employees of the Council.**

18.1. A matter personal to an employee that is being considered by a meeting of the Council is subject to Standing Order 17.1 and 17.2 above and shall be included on the agenda as a Part Two item for consideration.

18.2. The Clerk shall notify the Chair of the Council (or, if they are not available, the Vice-Chair) of any absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.

18.3. The Chair of the Council (or, in their absence, the Vice-Chair) shall, upon a resolution, conduct a review of the performance and annual appraisal of the work of employees. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Council via its delegated Employment Committee, unless that committee resolves that such matters should be dealt with by the Full Council.

18.4. Subject to the Council's adopted policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chair of the Council (or, in their absence, the Vice-Chair) in respect of an informal or formal grievance matter, and this matter shall be reported back to the Employment Committee and progressed by resolution of that committee or by the Full Council if that is the recommendation of the Employment Committee.

18.5. Subject to the Council's adopted policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the Chair or Vice-Chair, this shall be communicated to another Councillor, which shall then be reported back to the Employment Committee and progressed by resolution of that committee or by the Full Council if that is the recommendation of the Employment Committee. The subject of the grievance would not be permitted to sit on the committee considering that grievance.

18.6. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their employment, terms and conditions, performance reviews, capabilities, sickness or absence data, grievance or disciplinary matters as confidential and secure.

18.7. The Town Council shall keep all written records relating to employees secure. All paper records shall be secured and locked, and electronic records shall be password protected and/or encrypted.

## **19. Freedom of Information / Subject Access Requests.**

19.1. Freedom of Information Requests & Subject Access Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000, the Data Protection Act 2018 and the General Data Protection Regulation 2016/679.

19.2. Correspondence from, and notices served by, the Information Commissioner's Office (ICO) shall be referred by the Proper Officer to the Chair of the Council (or in their absence, the Vice-Chair) within 72 hours and subsequently reported to FULL Council as a Part Two matter at the next convened meeting of the Full Town Council.

## **20. Variation, Revocation & Suspension of these Standing Orders**

20.1. Any or every part of the Standing Orders, except those which are mandatory by law (and are printed in bold type) may be suspended by resolution in relation to any specific item of business.

20.2. A motion permanently to vary, revoke or suspend one or more of the Council's previously adopted Standing Orders (that are not mandatory by law) shall not be carried unless two-thirds of the Councillors present at a meeting of the Council vote in favour of the same.

20.3. The Chair's decision as to the application of Standing Orders at meetings of the Council, or its committees, shall be final.



## **21. Communicating with District & County Councillors (and MP's)**

21.1 An invitation to attend a meeting of the Town Council shall be sent (as a copy of the agenda) to the Ward Councillors and Division Councillor of the District and County Councils respectively.

21.2 Correspondence from the ward member, division member and the constituency MP will be forwarded to all members of the Council within 72 hours following receipt by the Proper Officer.

21.3 Correspondence to the ward members, division member, the MP and any other representative of Local or National Government shall ordinarily be signed by the Proper Officer and a copy retained in the Council's correspondence files. In the event that the Council requires the correspondence to be signed by the Chair or other member of the Council, this will require a resolution to that effect.

## **22. Dealing with the Press / Media.**

22.1 Requests from the press, or any other media outlet, necessitating an oral or written response, or any request for a formal statement from the Town Council, its Councillors or employees, shall be handled in accordance with the Council's adopted policy in relation to that matter and, in the first instance, all such responses will be handled by the Council's Proper Officer.

22.2 Councillors are asked to refer all such requests to the Proper Officer and to not make any unilateral response or statement unless it is clearly stressed that such comment or response is made purely in a personal capacity and not by virtue of your role as a member of the Town Council. (*see Standing Order 10.6 above*).

22.3 Members of Council are also reminded to observe, and adhere to, the rules and regulations pertaining to libel and defamation that the Proper Officer circulates annually.

## **23. Restrictions on Councillor Activities**

23.1 Unless duly authorised by a resolution of the Council (or a committee), no Councillor shall:

i) Inspect and land or premises which the Council has a duty or right to inspect without the presence of the Proper Officer.

ii) issue orders, instructions, directions on the Council's behalf nor commit the Council to expenditure. Such actions are referred to as "*ultra vires*" and can result in financial, legal and reputational damage to the Council. Any such actions could be deemed a breach of the Council's adopted Code of Conduct.

**Reviewed & re-adopted by FULL Council without revision on 13<sup>th</sup> May 2024**

**TO BE REVIEWED ANNUALLY.**