

9. Motions for a Meeting That Require Written Notice to be Given to the Proper Officer

- (a) A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents
- (b) No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting
- (c) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion
- (d) If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it so that it can be understood, in writing, to the Proper Officer at least five clear days before the meeting
- (e) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected
- (f) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final
- (g) Motions received shall be recorded and numbered in the order that they are received
- (h) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection

10. Motions at a Meeting That Do Not Require Written Notice

- (a) The following motions may be moved at a meeting without written notice to the Proper Officer:
 - (i) to correct an inaccuracy in the draft minutes of a meeting
 - (ii) to move to a vote
 - (iii) to defer consideration of a motion
 - (iv) to appoint a person to preside at a meeting
 - (v) to change the order of business on the agenda
 - (vi) to proceed to the next business on the agenda

- (vii) to require a written report
- (viii) to extend the time limits for speaking
- (ix) to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest
- (x) to not hear further from a councillor or a member of the public
- (xi) to exclude a councillor or member of the public for disorderly conduct
- (xii) to temporarily suspend a meeting
- (xiii) to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements)
- (xiv) to adjourn the meeting or
- (xv) to close the meeting

11. Management of Information

See also standing order 20

- (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
- (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

12. Draft Minutes

- (a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read
- (b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i)

- (c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate
- (d) If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect: "The chairman of this meeting does not believe that the minutes of the Council held on [date] in respect of agenda item [insert] were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings"
- (e) Subject to the publication of draft minutes in accordance with standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed

13. Code of Conduct and Dispensations

See also standing order 1(t)

- (a) All councillors with voting rights shall observe the code of conduct adopted by the Council
- (b) Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest
- (c) Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he had another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest
- (d) 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
- (e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final
- (f) A dispensation shall confirm:
 - (i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for 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

(g) Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council for which the dispensation is required

(h) A dispensation may be granted in accordance with standing order 3(e) if having regard to all relevant circumstances any of the following apply:

- (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
- (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

14. Code of Conduct Complaints

- (a) Upon notification by the Borough Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council
- (b) Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall 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 14(d)
- (c) The Council may:
 - (i) provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement
 - (ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- (d) Upon notification by the Borough Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

15. Proper Officer

- (a) The Proper Officer shall be either the clerk or another person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent

(b) The Proper Officer shall:

(i) At least three clear days before a meeting of the Council –

- serve on the councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email) and
- provide in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the subject to standing order Council convened by councillors is signed by them

See standing order 1(b) for the meaning of clear days for a meeting of the Council

(ii) subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least five days before the meeting confirming his withdrawal of it

(iii) convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office

(iv) facilitate inspection of the minute book by local government electors

(v) receive and retain copies of byelaws made by other local authorities

(vi) hold acceptance of office forms from councillors

(vii) hold a copy of every councillor's register of interests

(viii) assist to responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures

(ix) receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary

(x) assist in the organisation of storage of, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980)

(xi) arrange for legal deeds to be executed (See also standing order 23)

- (xii) arrange or manage the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with its financial regulations
- (xiii) record every planning application notified to the Council and the Council's response to the local planning authority
- (xiv) refer a planning application to councillors within two working days of receipt to facilitate a response, if required before the next ordinary meeting of the Council and
- (xv) manage access to information about the Council via the publication scheme

16. Responsible Financial Officer

- (a) The Council shall appoint a person to undertake the work of the Responsible Financial Officer when the Responsible Finance Officer is absent

17. Accounts and Accounting Statements

- (a) "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners Guide"
- (b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations
- (c) The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of each month a statement to summarise:
 - (i) the Council's income and expenditure for each month
 - (ii) the Council's aggregate income and expenditure for the year to date and
 - (iii) the balances held at the end of each month being reported
- (d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - (i) each councillor with a statement summarising the Council's income and expenditure for the last month and the year to date for information and
 - (ii) to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval
- (e) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the

Council (income and expenditure) for the year to 31 March. A draft annual governance and accountability return shall be presented to all councillors at least fourteen days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall, subject to standing order 4, be presented to the Council for consideration and formal approval before 30 June

18. Financial Controls and Procurement

- (a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - (i) the keeping of accounting records and systems of internal controls
 - (ii) the inspection, assessment and management of financial risks faced by the Council
 - (iii) the work of the independent internal auditor in accordance with proper practices 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 and
 - (v) whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise
- (b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose
- (c) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £15,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- (d) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, 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 (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) 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 manner that is appropriate
- (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 appropriate meeting of the council

- (e) The Council is not bound to accept the lowest value tender
- (f) In respect of the tendering and award of a public supply contract, public service contract or public works contract, the Council must comply with the Public Contracts Regulations 2015 ("The Regulations") where the value of a contract is likely to exceed the thresholds specified in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time) unless it proposes to use an existing list of approved suppliers (framework agreement).

19. Handling Staff Matters

- (a) A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11
- (b) Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Council or, if he is not available, the Vice-Chairman of the absence occasioned by illness or other reason and that person shall report such absence at the next meeting of the Council
- (c) The Chairman of the Council or, in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff's job. The reviews and appraisal shall be reported in writing and are subject to approval by resolution of the Council
- (d) Subject to the Council's policy regarding the handling of grievance matters the Council's most senior member of staff shall contact the Chairman of the Council or, in his absence, the Vice-Chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Council
- (e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the member of staff relates to the Chairman of the Council or the Vice-Chairman, this shall be communicated to another councillor which shall be reported back and progressed by resolution of the Council
- (f) Any person responsible for the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters

- (g) In accordance with standing order 11(a), the person with line management responsibilities shall have access to staff records referred to in standing order 19(f)

20. Responsibilities to Provide Information

- (a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council
- (b) If gross annual income or expenditure (whichever is the higher) exceeds £200,00 the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements)(England) Regulations 2015

21. Responsibilities Under Data Protection Legislation

See also standing order 11

- (a) The Council may 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
- (c) The Council shall have a written policy in place for responding to and managing a personal data breach
- (d) 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
- (e) 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
- (f) The Council shall maintain a written record of its processing activities

22. Relations with the Press/Media

- (a) Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media

23. Execution and Sealing of Legal Deeds

See also standing order 15(b)(xi)

- (a) A legal deed shall not be executed on behalf of the Council unless authorised by resolution
- (b) Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures

(c)

24. Communicating with Borough and County Councillors

- (a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Borough and County Council representing the area of the Council

25. Restrictions on Councillor Activities

- (a) Unless duly authorised no councillor shall:
 - (i) inspect any land and/or premises which the Council has a right or duty to inspect, or
 - (ii) issue orders, instructions or directions

26. Standing Orders Generally

- (a) All or part of a standing order, except one that incorporates mandatory statutory or legal requirements may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting
- (b) A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9
- (c) The proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible
- (d) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final