

# **SOUTH MOLTON TOWN COUNCIL**



## **STANDING ORDERS & CHAIRMANSHIP**

## **POLICY DOCUMENT**



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For the purposes of clarity any reference to the Chairman shall be taken to refer to the Mayor during meetings of the Council.

## 1. Meetings

- Mandatory for full Council meetings
  - Mandatory for committee meetings
  - Mandatory for sub-committee meetings
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- a 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.
  
  - b When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
  
  - c 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 public's exclusion.
  
  - d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda under the heading of 'Democratic Period'.
  
  - e The period of time which is designated for public participation in accordance with standing order 1(d) shall not exceed 15 minutes or longer at the chairman's discretion. Public participation is designated for every Statutory

Meeting except for August.

- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three minutes unless special permission has been given to extend this period of time by the chairman of the meeting.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting Including names and addresses of each parishioner on the electoral register.
- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chairman may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- ● m Photographing, recording, broadcasting or transmitting the proceedings of a

meeting by any means is not permitted without the Council's prior consent,

- ● n In accordance with standing order 1(c) above, 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.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- ●  
● q Subject to model standing order 1 (x) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- ●  
● r The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor and a seconder, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question or whether he abstained. Such a request shall be made before moving on to the next item of business on the agenda.
- ●  
● t The minutes of a meeting shall record the names of councillors present and absent.

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u The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
  
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v An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below.*)
  
- w No business may be transacted at a meeting unless at least one third of the whole number of members of the Council, Committee or Sub-Committee are present and in no case shall the quorum of any meeting be less than 3.
  
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x If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
  
- y Meetings shall not exceed a period of two hours without majority consent.

## 2. Ordinary Council meetings

*See also standing order 1 above*

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
  
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
  
- c The annual meeting of the Town Council shall take place at 7pm.

- d *(England)* In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Mayor of the Council shall be the first business completed at the annual meeting of the Council. The Deputy Mayor is to be appointed by the Full Council at the Annual Meeting.
- f The Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Deputy Mayor of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual meeting of the Council.
- h In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Mayor of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the

- Council and to receive and note minutes of and/or to determine recommendations made by committees.
- iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Receipt of nominations to existing committees.
  - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
  - vii. Review of representation on or work with external bodies and arrangements for reporting back.
  - viii. (*England*) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

### **3. Proper Officer**

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - 1 Sign and serve on councillors by delivery, post or electronic mail a summons confirming the date, time, venue and the agenda of a meeting of the Council and a meeting of a committee, sub-committee and a working party at least 3 clear days before the meeting.
  - 2 Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a



committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

- 3 Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)1 and 3(b)2.
- 4 Make available for inspection the minutes of meetings.
- 5 Receive and retain copies of byelaws made by other local authorities.
- 6 Receive and retain declarations of acceptance of office from councillors.
- 7 Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 8 Keep proper records required before and after meetings.
- 9 Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- 10 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 11 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- 12 Arrange for legal deeds to be signed and witnessed where relevant.
- 13 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.
- 14 Refer a planning application received by the Council to the Chairman of the Planning Committee if it is felt that the application needs special attention. All applications to be forwarded to members of the planning committee in plenty of time to allow them to investigate the application prior to the meeting.
- 15 Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4. Motions requiring written notice**

- a No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least fourteen days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion. The Proper Officer will assist with the wording of the motion if requested by the Councillor.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least seven clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final as long as the decision has been in the best interest of the Council.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for

its rejection in a book for that purpose, which shall be open to inspection by all councillors.

- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5. Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the accuracy of the minutes of the previous meeting.
  - iii. To correct an inaccuracy in the minutes of the previous meeting.
  - iv. To dispose of business, if any, remaining from the last meeting.
  - v. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vi. To proceed to the next business on the agenda.
  - vii. To close or adjourn debate.
  - viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - ix. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - x. To receive nominations to a committee or sub-committee.
  - xi. To dissolve a committee or sub-committee.
  - xii. To note the minutes of a meeting of a committee or sub-committee.
  - xiii. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xv. To authorise legal deeds signed by two councillors and witnessed by the Town Clerk.
  - xvi. To authorise the payment of accounts.
  - xvii. To amend a motion relevant to the original or substantive motion

under consideration which shall not have the effect of nullifying it?

- xix. To extend the time limit for speeches for Councillors.
  - xx. To exclude the press and public for all or part of a meeting.
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. To suspend any standing order except those which are mandatory by law.
  - xxiv. To adjourn the meeting.
  - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6. Rules of debate**

- a. 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.
- b. i. At the discretion of the Chairman a resolution or amendment may 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.

*\*the words in square brackets may be deleted if desired.*

- ii. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- iii. No speech by a mover of a resolution shall exceed ten minutes, and no other speech shall exceed three minutes except by consent of the Mayor/Chairman of Committee.

*(The mover of a resolution is sometimes allowed a longer time than others.)*

- iv. An amendment shall be either:-
  - (a) To leave out words.
  - (b) To leave out words and insert or add others.
  - (c) To insert or add words.
- v. An amendment shall not have the effect of negating the resolution before the Council.
- vi. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- vii. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- viii. The mover of a resolution or an amendment shall have a right of reply, not exceeding five minutes.
- ix. 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 confined to some material part of a former speech by him which may have been misunderstood.
- x. 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.
- xi. When a resolution is under debate no other resolution shall be moved except the following:-
  - (a) To amend the resolution
  - (b) To proceed to the next business.
  - (c) To adjourn the debate.
  - (d) That the question be now put.
  - (e) That a member named be not further heard.

- (f) That a member named do leave the meeting.
  - (g) That the resolution be referred to a committee.
  - (h) To exclude the public and press
  - (i) To adjourn the meeting.
- c. At a full Council meeting a member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
- d. i. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- ii. Members shall address the chairman.
- iii. If two or more members rise in order to speak on an issue the Chairman shall call upon one of them to speak and the others shall resume their seats.

## **CLOSURE**

- e. 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 “to put the question”, only if he 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 to 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.

*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)*

## **7. Code of conduct (England)**

- A** All councillors shall observe the code of conduct adopted by the

Council.

- B If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159)(this means where a councillor has a prejudicial interest in any business of the council he may attend the meeting but only for the purpose of making representations) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
  
- C Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

## **8. Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided three clear days notice of the question has been given to the Proper Officer.
  
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
  
- c Every question shall be put and answered without discussion

## **9. Minutes**

- a If a copy of the draft minutes of a preceding meeting has 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.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing orders.
- c Minutes, including any amendment to correct their accuracy, 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 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10. Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.



## **11. Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least four councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12. Voting on appointments**

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

## **13. Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's 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 employee.

## **14. Execution and sealing of legal deeds**

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 signature.

## **15. Committees**

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. Full powers to act have been given to the Finance, Planning, and Staff Committee.
  - v. A member who has proposed a resolution which has been referred to any committee of which he is not a member may explain his resolution to the committee but shall not vote.

## **16. Sub-committees**

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## **17. Extraordinary meetings**

- a The Chairman of the Council may convene an extraordinary meeting of the

Council at any time.

- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice (three clear days) giving the time, venue and agenda for such a meeting must be signed by the two councillors.

## **18. Advisory committees**

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **19. Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each member of the Finance Committee a copy of the Council's expenditure for the preceding month at its monthly meeting. A copy of this document shall be provided to any other councillor upon request.
- c The Responsible Financial Officer shall provide a copy of the Annual Accounts to all councillors as soon after the document has been prepared as possible. The document will be accepted by resolution of the Council.

## **20. Estimates/precepts**

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January, or at such other times agreed by Council.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than September, or at such other time agreed by council.

## **21. Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- B A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not

otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23. Unauthorised activities**

- a No individual councillor shall, in the name, or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions without the permission or knowledge of the Town Clerk.

## **24. Confidential business**

- a Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25. Power of well-being (England)**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution

under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

## **26. Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the appropriate committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Mayor or, in his absence, the Deputy Mayor of any absence occasioned by illness or urgency and that person shall report such absence to the Staffing Committee at its next meeting.
- c The Mayor or in his absence, the Deputy Mayor shall upon a resolution conduct a review of the performance and/or appraisal of the Town Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Staffing Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Mayor or in his absence, the Deputy Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution

of the Staffing Committee.

- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Mayor the matter will be referred to the Deputy Mayor. If both the Mayor and Deputy Mayor are Involved In the allegation the matter will be referred to the Staffing Committee who will elect one of their committee to deal with the matter.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the relevant post holders.

## **27. Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under

the Freedom of Information Act 2000.

- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance and General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

## **28. Relations with the press/media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media. However, individual councillors may provide oral or written statements or written articles to the press or other media only if it is made clear it is a councillors personal view and not the view of the council as a whole.

## **29. Liaison with District and County Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward member of Devon County Council and the two ward members of North Devon Council If relevant.

## **30. Financial matters**



- 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 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 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £75000.
  
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £75,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
  
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
  
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote but a reason for the decision should be given.
  
- e 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 and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **31. Allegations of breaches of the code of Conduct**

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Mayor, or in his absence the Deputy Mayor.
  
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
  
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
  
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Mayor) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.

- iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Mayor or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Finance, Planning and Staff Committees shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

## **32. Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

### **33. Standing orders to be given to Councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

### **34. Interpretation**

All references to the masculine within this document, unless otherwise stated, shall be deemed to be genderless.