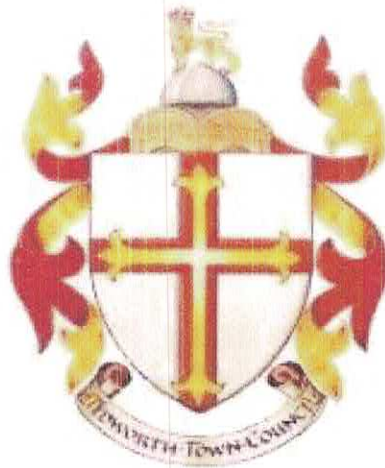




# TIDWORTH TOWN COUNCIL

# STANDING ORDERS



**ADOPTED: May 2022**

Signed .....  .....



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## 1. Meetings

- 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. The period of time within a meeting set aside and which is designated for all public participation in accordance with standing order 1(c) shall not exceed twenty minutes. Unless invited further by the Chair.
- e. Subject to standing order 1(c), (Exclusion of Press and Public), each member of the public is entitled to speak once and shall not speak for more than five minutes.
- f. In accordance with standing order 1(c) (Exclusion of Press and Public), a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- g. In accordance with standing order 1(f), the Chair 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.
- h. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- i. A member of the public shall raise his hand when requesting to speak.
- j. Any person speaking at a meeting shall address his comments to the Chair.
- k. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- l. Members of the public are not entitled to speak during any other agenda item, other than that item set aside for public representation.
- m. For the benefit of the Council or Councillors, the Chair may seek the views, advice or guidance from a member of the public during a meeting.
- n. Subject to standing order 1(c), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.



- o. In accordance with standing order 1(n), 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.
- p. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his absence be done by, to or before the Deputy Chair.
- q. The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- r. Questions from the public requiring an answer should be submitted 7 days prior to a meeting. The Councillors will try to provide an answer but if not able to a verbal or written response will be given as soon as possible.
- s. All matters requiring a decision at a meeting shall be decided by a majority of the Councillors present and voting thereon. 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.
- t. Voting on any question will be by a show of hands unless at least two Councillors so request, by a signed ballot.
- u. At the request of a Councillor, the voting by show of hands, on any motion, shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that motion. Such a request shall be made before moving on to the next item of business on the agenda.
- v. The minutes of a meeting shall record the names of Councillors present and those who have given apologies, if no apologies are given, they will be marked as absent.
- w. The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- x. A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- y. 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 less than three.
- z. If a meeting is or becomes inquorate no business shall be transacted. Discussion can still take place and notes will be taken.

## **2. Ordinary Council Meetings**

- 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 the first Tuesday in May or as the Council may direct.



- c. If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- d. 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. Seven additional meetings shall be held on the first Tuesday of the month, with August being optional.
- f. The election of the Chair/Mayor and Vice Chair/Deputy Mayor shall be the first business completed at the annual meeting of the Council. This will be followed by the Resolution to continue with Mayoral status.
- g. The Chair, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.
- h. In an election year, if the current Chair has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Chair has been elected. The current Chair shall not have an original vote in respect of the election of the new Chair but must give a casting vote in the case of an equality of votes, the Deputy Chair can fulfil this role in the absence of the Chair.
- i. If the Chair and Deputy Chair have not been re-elected as Council members and are not available to attend the meeting, the Clerk will preside over the election of Chair.
- j. In an election year, delivery by Councillors of their Declarations of Acceptance of Office should be received prior to the first meeting of the Council. Members cannot vote until this has been received.
- k. Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. 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.
  - ii. Allocation of Committee members. Members can specify a preference but the Chair may need to allocate spaces if the balance of the two main Committees is not equal. Services and Engagement will allocate two members each for both Policies & Procedures and Projects at their first meeting.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the Terms of Reference for committees.
  - v. Review and adoption of appropriate standing orders and financial regulations (if available).
  - vi. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.



- vii. Review of representation of or work with external bodies and arrangements for reporting back.
- viii. In a year of elections, if a Council's period of eligibility to exercise the power of wellbeing expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- ix. Review of the Council's and/or employees' memberships of other bodies.
- x. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### **3. Extraordinary Meetings**

- a. The Chair may convene an Extraordinary Meeting of the Council at any time.
- b. If the Chair does not, or refuses to, call an Extraordinary Meeting of the Council within seven 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 giving the time, venue and agenda for such a meeting must be signed by the two Councillors.
- c. The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d. If the Chair of a committee (or a sub-committee) does not, or refuses to, call an Extraordinary Meeting within three days of having been requested to do so by two Councillors, those two Councillors may convene an Extraordinary Meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

### **4. 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:
  - i. Sign and serve on Councillors by delivery, email or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least three clear days before the meeting.
  - ii. Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary



meeting of the Council convened by Councillors is signed by them)

- iii. Subject to standing order 5, include in the agenda all motions in the order received unless a Councillor has given written notice at least three days before the meeting confirming his withdrawal of it.
- iv. Convene a meeting of full Council for the election Chair of the Council, occasioned by a casual vacancy in this office, in accordance with Standing Order 4b.
- v. Make available for inspection the minutes of meetings.
- vi. Receive and retain copies of byelaws made by other local authorities.
- vii. Receive and retain Declarations of Acceptance of Office from Councillors.
- viii. Retain a copy of every Councillor's Register of Interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings.
- x. 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.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, secure storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by two Councillors and witnessed (refer also to standing orders 15(a) and (b)).
- xiv. 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.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xvi. The Town Clerk or appointed employee will circulate any Planning Application notified by Wiltshire Council that affects Tidworth Wards to all Councillors for observation or comments, electronically where possible, in hard copy where not. Councillors will notify the Town Clerk within 7 days if they have any comments or observations on the application. If there are valid comments or observations, the Town Clerk will discuss with one Councillor whether this needs to be brought to the next available Committee meeting or whether these comments or observations can be sent back as the Town Council's response. The Councillor's decision will be recorded. If there are no valid comments or observations the Town Clerk will gain the approval of one Councillor that the Town Council response is to be 'No Comments or Observations'. The name of the Councillor agreeing this response will be recorded.
- xvii. Action or undertake activity or responsibilities instructed by resolution or





contained in standing orders.

xviii. Oversee any of the above duties undertaken by any other officer or employee of the Council.

## **5. Motions Requiring Written Notice**

a. In accordance with standing order 4(b)(iii), a motion may be included in the agenda; the mover should give written notice of its wording to the Council's Proper Officer at least six clear days before the next meeting.

b. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 5(a), correct obvious grammatical or typographical errors in the wording of the motion.

c. If the Proper Officer considers the wording of a motion received in accordance with standing order 5(a) 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 four 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 Chair, or in their absence, the Deputy Chair 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 Chair, or in their absence, the Deputy Chair or Councillors pursuant to standing order 5(d), the decision of the Chair as to whether or not to include the motion in the agenda shall be final.

f. 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.

## **6. 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. In accordance with standing order 4(b) (iii), a motion related to an agenda item may be moved during a meeting at the Chair's discretion.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendation made by a committee or a sub-committee or an employee.
- xv. To consider a report and/or recommendation made by a professional advisor, expert or consultant.
- xvi. To authorise legal deeds signed by two Councillors and witnessed.
- xvii. To authorise the payment of monies up to £5000.00.
- xviii. 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.
- 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 Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **7. Rules of Debate**



- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience.
- b. Subject to standing orders 5(a)-(e), a motion shall not be considered unless it has been proposed and seconded.
- c. Subject to standing order 4(b)(iii), a motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- d. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.
- e. A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f. Any amendment to a motion shall be to either:
  - i. leave out words
  - ii. add words
  - iii. leave out words and add other words.
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i. Subject to Standing Order 7(h), one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- j. Pursuant to standing order 7(h), the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- l. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding five minutes.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o. Subject to standing orders 7(m) and (n), a Councillor may not speak further in



respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.

p. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which they consider have been breached or specify the irregularity in the meeting they are concerned by.

q. A point of order shall be decided by the Chair and their decision shall be final.

r. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

s. Subject to standing order 7(o), when a Councillor's motion is under debate no other motion shall be moved except:

- i. to amend the motion.
- ii. to proceed to the next business.
- iii. to adjourn the debate.
- iv. to put the motion to a vote.
- v. to ask a person to be silent or for them to leave the meeting.
- vi. to refer a motion to a committee or sub-committee to consider.
- vii. to exclude the public and press.
- viii. to adjourn the meeting.
- ix. to suspend any standing order, except those which are mandatory.

t. In respect of standing order 7(s)(iv), the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **8. Code of Conduct and Dispensations**

a. All Councillors shall observe the Code of Conduct adopted by the Council.

b. All Councillors shall undertake training in the Code of Conduct within 6 months or at the soonest available opportunity of the delivery of their Declaration of Acceptance of Office.

c. If paragraph 12(2) of the Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No. 1159) 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 8(d) 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.
- d. 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.
- e. 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.
- f. A dispensation may be granted in accordance with standing order 13(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.

## **9. 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 inform the Chair of the Council; if the allegation is against the Chair of the Council the Deputy Chair will be informed. If the case is that the allegation has been made about both, a member of the Leadership Committee will be informed. It will then be forwarded to the Monitoring Officer.
- b. Where the notification relates to a complaint made about the Proper Officer, the Proper Officer shall notify the Chair of the Leadership Committee, who will inform the Chair of the Council 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 Chair of the Leadership Committee shall take the steps set out below 9(e)-(i), together with any other steps considered necessary, to maintain confidentiality.
- e. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
- f. Ensure that any background papers containing the information set out in standing order 9(a) above are not made public.
- g. Ensure that the public and press are excluded from meetings as appropriate.
- h. Ensure that the minutes of meetings preserve confidentiality.
- i. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- j. Standing Order 9(d) should not be taken to prohibit the Council (whether through the Proper Officer or the Chair of the Leadership Committee 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.
- k. The Leadership Committee 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.
- l. References in Standing Order 9 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.
- m. Upon notification by the Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **10. 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 order 6(a)(iii).
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed



by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- d. If the Chair 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:
  - i. "The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but this view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."
- e. 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.
- f. If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

## **11. 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 Chair of the meeting, there has been a breach of standing order 11(a), the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion. In accordance with standing order 6(a)(xxii).
- c. If a resolution made in accordance with standing order 11(b), is disobeyed, the Chair of the meeting may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

## **12. Rescission of Previous Resolutions**

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least two thirds of 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 12(a) has been disposed of, no similar motion may be moved within a further 6 months.

## **13. Voting by Council on Casual Vacancy ("Co-Option")**

In the case of co-option, the following procedure is:

- i. Notice of the intention to co-opt to the vacancy should be given in the agenda for the meeting of the Town Council.
- ii. When the item is reached, the Chair should call for nominations.



- iii. When all the nominations have been received a vote should be taken. Members of public will be asked to leave the meeting.
- iv. It is usual for the candidate's names to be put in alphabetical order. To be co-opted a candidate must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates.
- v. Where there are more than two candidates the candidate with the least number of votes is eliminated, so that the final vote is between two candidates only.
- vi. After the vote has been taken, the Chair should declare the candidate who received the highest number of votes duly elected.
- vii. The person elected must make a Declaration of Acceptance of Office before, or at, the first meeting of the Town Council following his election in the presence of a member of the Town Council or the Proper Officer of the Town Council. The declaration is then retained in the Town records. They may sit at the table for the remainder of the meeting but will not have full voting rights until the next meeting they attend.
- viii. The person elected will undertake to abide by the Town Council's Code of Conduct.
- ix. Any tie may be settled by the Chair's casting vote.

#### **14. 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.

#### **15. Execution of Legal Deeds**

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. In accordance with a resolution made under standing order 15(a) 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.

#### **16. Committees**

- a. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as 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. may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer one day before the meeting that they are unable to attend.
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 16(a)(iv)) shall be permitted to participate in debate or vote on business at that meeting.
- vi. may, in accordance with standing orders, dissolve a committee at any time.

#### **17. Sub-Committees**

- 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.

#### **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. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval before 30 June each year.

#### **20. Estimates/Precepts**

- a. The Council shall approve written estimates for the coming financial year at its January meeting or within the timescale set by Wiltshire 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 November or prior to a full Council meeting to meet the timescale set by Wiltshire Council.



## **21. 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 their 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.

## **22. Unauthorised Activities**

- a. Unless authorised by a resolution, no individual Councillor shall in the name of 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. represent the Council on an outside body without first seeking full Council approval;
  - iii. issue orders, instructions, or directions.

## **23. Confidential Business**

- a. Councillors 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 22 and 23(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- c. No Councillor may contact another authority, business, or organisation to discuss confidential Council matters without the express permission of the Chair, or in their absence the Deputy Chair.

## **24. Power of Wellbeing**

- a. Before exercising the power to promote wellbeing, 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 Town Council.
- b. The Council's period of eligibility begins on the date that the resolution under standing order 24(a) 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 24(b).

## **25. Matters Affecting Council Employees**

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council, committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c).
- b. Subject to the Council's policy regarding absences from work, the Council's



most senior employee shall notify the Chair, or in their absence the Deputy Chair, of his/her or any other Council employees' absence occasioned by illness or urgency and that person shall report such absence to full Council at its next meeting.

c. The Chair of the Staffing Committee or in their absence the Deputy Chair, shall upon a resolution conduct a review of the performance and/or appraisal of the Town Clerk/RFO and shall keep a written record of it. In the case of a dispute the second reporting officer will be the Chair of the Council. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by full Council.

d. A review of the performance and/or appraisal of other employees shall be conducted by the Town Clerk and they will keep a written record of it. In the case of a dispute the second reporting officer will be the Chair of the Council. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by full Council.

e. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair, or in their absence, the Deputy Chair, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the full Council.

f. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by any of the Council's employees relates to the Chair or Deputy Chair, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the full Council.

g. 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.

h. 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.

i. 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.

j. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25(h) and (i) if so justified.

k. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(h) and (i) shall be provided only to the Chair, or in their absence, the Deputy Chair.

## **26. 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 Chair of the Council. The said person 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 4(b)(x).

c. The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

## **27. Responsibilities Under Data Protection Legislation**

- a. The Council shall appoint a Data Protection Officer, who shall be the Proper 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.

## **28. Management of Information**

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

## **29. 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.

## **30. Liaison with Unitary Councillors and Garrison Representatives**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Unitary Councillor (who is a representative of the wards) and the



Garrison Representative, if not already a member of the Council.

### **31. 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 31(b)) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.

b. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 31(d) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).

c. Any formal tender process shall comprise the following steps:

- vi. a specification of the goods, materials, services, and the execution of works shall be drawn up.
- vii. at least three tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time or electronically with the subject being – Tender - Confidential (contractors will be advised in the specification that emails not marked in this way could be rejected).
- viii. 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.
- ix. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

d. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

e. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate



or quote.

### **32. Standing Orders Generally**

- a. Any or every part of the standing orders, except those which are 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 2 Councillors to be given to the Proper Officer in accordance with standing order 5.
- c. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements shall not be carried unless two-thirds of the Councillors of the Council vote in favour of the same.
- d. 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, or direct them to where they can be found on the Council's website.
- e. The Chair's decision as to the application of standing orders at meetings shall be final.
- f. A Councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting.

### **33. Disqualification**

- a. If a Councillor fails throughout a period of six consecutive months (183 days) from the date of their last attendance to attend any meeting or committee meeting, or sub-committee meeting of the Council, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council unless he is a member of the Armed Forces during a period of emergency or war and his duties prevent his attendance.