

Councillors Briefing

- 1.0 This document pack contains important information for Councillors concerning legal duties and requirements, Declarations of Acceptance of Office, Codes of Conduct and Standing Orders. It also includes other useful information such as legal topic notes, circulars, good practise guidance and miscellaneous information.
- 1.1 Councillors are recommended to read and understand the documents and to keep them in a safe place for future reference. If in any doubt as to the meaning of any of the documents, Councillors should seek advice from the Town Clerk, the Oxfordshire Association of Local Councils (OALC), the Chief Executive of West Oxfordshire District Council, another Councillor or your legal advisor.
- 2.0 The following index of documents includes a brief summary of their purpose.
- 2.1 Declaration Of Acceptance of Office This document is a legal requirement under the Local Government Act 2000 Section 52 and the Local Elections (Declaration of Acceptance of Office) Order 2001, which binds Councillors to observe the Code of Conduct and a commitment to serve the community.
- 2.2 Standing Orders. These are the rules by which the Council operates and regulates its meetings, debates, Committees and voting procedures. They cover the management of accounts and expenditure, the administration of appointments, contracts and, planning applications and dealing with confidential business and the admission of the public and press to meetings.
- 2.3 The Code of Conduct. The Local Government Act 2002 Section 51 and the Parish Councils (Model Code of Conduct) Order 2001 regulate the behaviour of all Councillors. All Councillors sign up to the Code as part of their Declaration of Acceptance of Office. The Code regulates General Obligations of behaviour and conduct, requires Councillors to recognise personal and prejudicial interests which may affect their independent judgement and opinion. It requires that such interests are disclosed and, where prejudicial, the Councillor must withdraw from that part of the meeting and take no part in the matter under discussion. It further requires that financial and certain other interests are registered under Section 81 (1) of the Local Government Act 2000 within 28 days of election or appointment. Financial interests include gifts and hospitality. All Councillors are strongly advised to read and understand the contents of the Code of Conduct. If in doubt, you must seek advice (see para 1.1 above). Advice on the Code of Conduct is also available from the District Council's Standards Committee. Enforcement of the Code of Conduct is by the Standards Board for England at DTLR London.
- 2.4 Legal Topic Notes. These are issued by the National Association of Local Councils (NALC), the umbrella organisation for all town and parish councils. They give advice on various legal issues.
- 2.5 NALC Circulars. General information leaflets from NALC.
- 2.6 OALC Circulars. Local information from the local office of the Oxfordshire Association of Local Councils.

2.7 Miscellaneous. Items which, in the opinion of the Town Clerk or the Council, should be drawn to the attention of Councillors.

2.8 Meetings of the Council

The process of convening meetings of the Council is laid out in the Local Government Act 1972 (schedule 12) and include the following:

- (a) The council shall meet once in each month of the year. At least three clear days notice (not including the date of issue and meetings) shall be given. The notice shall be signed by the Town Clerk and fixed in some conspicuous place (or places) in the town.
- (b) The Town Mayor may call an extraordinary meeting of the council at any time. At least three clear days notice (not including the date of issue and meeting) shall be given. The notice shall be signed by the Town Clerk and fixed in some conspicuous place (or places) in the town.
- (c) If the Town Mayor refuses to call an extra-ordinary meeting of the council after a requisition for that purpose, signed by 2 councillors of the council, has been presented, or if, without so refusing, does not call an extra-ordinary meeting within 7 days after such a requisition has been presented, any 2 councillors of the council, on that refusal or on expiration of 7 days, as the case may be, may forthwith convene an extra-ordinary meeting of the council.
- (d) Chairman
 - (i) Unless disqualified from doing so the town mayor if present shall preside at all meetings of the council.
 - (ii) In the absence of the town mayor, the deputy town mayor shall preside at meetings of the council. If the deputy town mayor be absent the council shall elect one of their number to be chairman of the meeting.

2.9 Town Meetings

The law relating to Town Meetings is laid out in the Local Government Act 1972 sch 12 and includes the following:

- (a) A town meeting must be held annually between 1st March and 1st June and at other such times when convened by the council as often as may be required. At least 7 clear days notice (not including date of issue and meeting) shall be given. Notices specifying the time, place and business, of the intended meeting, and signed by the town mayor, shall be fixed in conspicuous places in the town.
- (b) Otherwise a town meeting may be convened by:
 - (a) the town mayor
 - (b) any two town councillors
 - (c) any representative of the town upon the District Council
 - (d) six electors of the town

(c) Chairman

- (i) Unless disqualified from doing so the town mayor if present shall preside at all Town Meetings.
- (ii) In the absence of the town mayor, the deputy town mayor shall preside at such meetings. If the deputy town mayor is absent the meeting shall elect one of their number to be chairman of the meeting.
- (ii) The person presiding at the meeting may exercise all the powers and duties of the chairman in relation to the conduct of the meeting.

2.10 Disqualification by Non-Attendance

If a Member fails through a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, they cease to be a Member unless the failure was due to some reason approved by the Council before the expiry of that period. Approval cannot be given after the six month period has expired.

STANDING ORDERS - WOODSTOCK TOWN COUNCIL

1 MEETINGS

- (a) Meetings of the Council shall be held at 1930 hours on a Tuesday unless the Council otherwise decides at a previous meeting.
- (b) The duration of meetings of the Council shall not exceed three hours provided that the Council may on grounds of urgency suspend this part of the Standing Order for a particular reason by a majority of those present and voting.
- (c) Smoking is not permitted at any meeting of the Council.

2 STATUTORY AND ORDINARY MEETINGS

- 2.1 (a) **In an election year the Annual Town Council Meeting shall be held on the Tuesday next following the fourth day after the ordinary day of elections to the Council and**
 (b) **In a year which is not an election year the Annual Town Council Meeting shall be held on the second Tuesday in May.**
- 2.2 **In addition to the Statutory Annual Town Council Meeting, at least three other statutory meetings shall be held in each year on such dates and times as the Council may direct.**
- 2.3 **The Council shall in addition meet once in each month of the year. At least three clear days notice (not including the date of issue and meeting) shall be given. The notice shall be signed by the Town Clerk and fixed in some conspicuous place (or places) in the town.**

Once set, the date of a meeting cannot be altered unless an attempt has been made to contact all Members and then only with the agreement of two thirds of those actually contacted.

EXTRA-ORDINARY MEETINGS OF THE COUNCIL

- 2.4 (a) The Town Mayor may call a meeting of the Council at any time. At least three clear days notice (not including the date of issue and meeting) shall be given. The notice shall be signed by the Town Clerk and fixed in some conspicuous place (or places) in the town.
- (b) If the Town Mayor refuses to call an extra-ordinary meeting of the Council after a requisition for that purpose, signed by 2 Members of the Council, has been presented, or if, without so refusing, does not call an extra-ordinary meeting within 7 days after such a requisition has been presented, any 2 Members of the Council, on that refusal or on expiration of 7 days, as the case may be, may forthwith convene an extra-ordinary meeting of the Council.

Once set the date of a meeting cannot be altered unless an attempt has been made to contact all Members and then only with the agreement of two thirds of those actually contacted.

3.0 TOWN MEETING

A town meeting shall be held annually between 1st March and 1st June and at other such times as the Council may determine. At least seven clear days notice (not including date of issue and meeting) shall be given. Notices specifying the time, place and business of the

intended meeting, and signed by the Town Mayor, shall be fixed in conspicuous places in the town.

3.1 EXTRA-ORDINARY TOWN MEETINGS

An extra-ordinary town meeting may be convened by:-

- (a) the Town Mayor
- (b) any two councillors
- (c) any representative of the town upon the district council
- (d) six electors of the town

3.2 CHAIRMAN OF TOWN MEETINGS

Unless disqualified from doing so the Town Mayor if present shall preside at all Town Meetings and Extra-ordinary Town meetings.

- (a) In the absence of the Town Mayor, the Deputy Town Mayor shall preside at such meetings. If the Deputy Town Mayor is absent the Council shall elect one of their number to be Chairman of the meeting.
- (b) The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

4 CHAIRMAN OF COUNCIL MEETING

Unless disqualified from doing so the Town Mayor if present shall preside at all meetings of the Council.

- (a) In the absence of the Town Mayor, the Deputy Town Mayor shall preside at meetings of the Council. If the Deputy Town Mayor be absent the Council shall elect one of their number to be Chairman of the meeting.
- (b) The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

5 PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, it shall be the Clerk:-

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing interests at meetings.
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the Council.
- (e) To receive copies of byelaws made by another local authority.
- (f) To certify copies of byelaws made by the Council.
- (g) To sign and issue the summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings

6 QUORUM

Three Members, or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

7 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared prejudicial interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other days as the Chairman may fix.

8 For a quorum for committees and sub-committees please refer to Standing Order 48.

9 VOTING

Members shall vote by show of hands, or, if at least two Members so request, by signed ballot.

10. **If a Member so requires, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it or abstained. Such a request must be made before moving on to the next business.**

11. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not an original vote was given.**

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office, they may not give an original vote in an election for Chairman

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

12 ORDER OF BUSINESS

At each Annual Meeting of the Town Council, the first business shall be

(a) To elect a Town Mayor

(b) To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.

(c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(e) To hold an election (if necessary) for the appointment of the Deputy Town Mayor.

(f) To hold elections (if necessary) for the appointment of the Council Member for Property and the Council Member for Environment.

(g) To hold elections (if necessary) for the appointment of committees and working groups.

(h) To consider the payment of any subscriptions falling to be paid annually.

(i) To adopt Standing Orders and/or make amendments to Financial Regulations and to appoint solicitors, consultants and advisors, and bankers.

(j) To inspect any deeds and trust investments in the custody of the council:
and shall thereafter follow the order set out in the Standing Order 15.

13. **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such**

declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

14. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees (see Standing Order 38 below)
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
 - (a) To receive apologies.
 - (b) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - (c) After consideration, to approve the signature of the Minutes by the person presiding and initial each page of the Minutes as a correct record.**
 - (d) To deal with business expressly required by statute to be done.**
 - (e) To enquire of the public attendance whether there is any agenda item which they have a particular interest and to decide whether it is appropriate to deal with that issue at a time not in keeping with the published agenda.
 - (f) To dispose of business if any, remaining from the last meeting.
 - (g) To receive such communications as the person presiding may wish to lay before the Council.
 - (h) To answer questions from Councillors.
 - (i) To receive and consider reports and minutes of committees, working groups and outside bodies.
 - (j) To receive and consider reports from officers of the council.
 - (k) To authorise the sealing of documents.
 - (l) To receive and consider the statement of payments.
 - (m) To consider proposals or recommendations in the order in which they have been notified.
 - (n) Any other business specified in the summons.
16. **URGENT BUSINESS**
 A motion to vary the order of business on the ground of urgency
 - (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - (b) Shall be put to the vote without discussion.
17. **PROPOSALS MOVED ON NOTICE**

 Except as provided by these Standing Orders, no proposal may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the proposer has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
18. The Clerk shall date every notice of proposal or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
19. The Clerk shall insert in the summons for every meeting all notices of proposal or recommendation properly given in the order in which they have been received unless the

member giving notice of proposal has stated in writing that he intends to propose at some later meeting or withdraw it.

20. If a proposal or recommendation specified in the summons is not proposed either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be proposed without fresh notice.
21. If the subject matter of a proposal comes within the province of a committee of the Council, it shall, upon being proposed and seconded, stand referred without discussion to such committee or to such other committees as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was proposed.
22. Every proposal or recommendation shall be relevant to some subject over which the Council has power or which affects the area.
23. PROPOSALS MOVED WITHOUT NOTICE

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

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a committee or working group.
- (h) To set up a committee or working group and appoint members to it.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a proposal.
- (l) To give leave to withdraw a proposal or an amendment.
- (m) To extend the time limit for speeches
- (n) To exclude the public (see Order 68 below)
- (o) To silence or eject from the meeting a member named for misconduct.
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order. (See Standing Orders 79 and 80 below)
- (r) To adjourn the meeting.

24. QUESTIONS

A Member may ask the Chairman or the Clerk (via the Chair) any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.

27. A person to whom a question has been put may decline to answer.

28. RULES OF DEBATE

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

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

30. NALC model clause not used.

31.

- a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be seated and silent.

32. CLOSURE

At the end of any speech a member may, without comment, propose "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such proposal is seconded the Chairman shall put the proposal but, in the case of a proposal "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 proposer to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the proposer's right of reply at the resumption.

33. DISORDERLY CONDUCT

- (a) **All members must observe the Code of Conduct which was adopted by the Council on 26 March 2002 a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may propose that the member named be no longer heard or that the member named do leave the meeting, and the proposal, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes that another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England).**
- (d) If either of the proposals mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them in which he shall be assisted, as necessary, by all Councillors.

34. RIGHT OF REPLY

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

35. ALTERATION OF PROPOSAL

A Member, may, with the consent of his seconder, move amendments to his own proposal.

36. RECISSION OF PREVIOUS RESOLUTION

(a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special proposal, the written notice whereof bears the names of at least ten members of the Council, or by a proposal moved in pursuance of the report or recommendations of a committee or working group.

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

37. VOTING ON APPOINTMENTS

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

(b) The Council may fill multiple vacancies as follows: if there are $x + 1$ or more candidates for x places on a Committee then every Member entitled to vote will indicate the names of x candidates on a voting paper and hand this to the Clerk. Each voting paper shall be signed by the Member completing it.

38. DISCUSSIONS AND PROPOSALS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council has decided whether or not the public and press should be excluded. (See Standing Order No. 68)

39. PROPOSALS ON EXPENDITURE

Any proposal which is moved, and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council, or which would involve substantial capital expenditure or donations, or reduce materially the revenue at the disposal the Council, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

40. EXPENDITURE

NALC model clause not used

41. SEALING OF DOCUMENTS

(a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

(b) The Seal shall be attested by the Town Mayor, Deputy Town Mayor or the relevant Council Member for Property or Environment and The Town Clerk. An entry of every

sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or the persons who shall have attested the Seal.

(c) Where any document shall be a necessary step in legal proceedings on behalf of the Council, it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Town Clerk.

42. COMMITTEES AND SUB-COMMITTEES

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such committees as are necessary, but subject to any statutory provision on that behalf:-

(a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

(b) may appoint persons other than members of the Council to any Committee; and

(c) may subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of a committee.

43. The Town Mayor and Deputy Mayor, ex officio, shall be non-voting members of every committee.

44. Every committee shall at the Annual Meeting of the Council before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

45. The Chairman of a committee or the Town Mayor may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. SUB COMMITTEES

Every committee may appoint sub-committees for purposes to be specified by the committee.

47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

49. The Standing Orders on rules of debate (except that part relating to speaking more than once) and the Standing Order on interests of councillors in contracts and other matters shall apply to committee and sub-committee meetings.

50. ADVISORY COMMITTEES AND WORKING GROUPS

(a) The Council may at any Town Council meeting set up a working group or advisory committee to study and report on issues arising from the Council's business. They are appointed by the Council and may include members other than Councillors. Advisory Committees may have non-voting members nominated by outside bodies. Working groups and advisory committees have no executive powers. They can neither take decisions which commit the Council to a course of action nor can they incur Council expenditure. Voting within working groups or advisory committees shall not commit the Council in any respect whatsoever.

(b) The Mayor and Deputy Mayor shall be ex-officio members of all working groups and advisory committees. All working groups and advisory committees shall elect a chairman at their first meeting.

(c) Meetings of advisory committees are subject to these Standing Orders.

(d) The public may not attend working group meetings except by resolution of the Council or of the Working Group, but may attend advisory committees unless specifically excluded by resolution of that committee. Councillors who are not members of working groups or advisory committees may attend such meetings but may only participate with the agreement of the members present.

(e) The Clerk shall inform the members of each advisory committee or working group of the terms of reference of that committee or working group.

(f) An advisory committee or working group may make recommendations and give notice thereof to the Council.

(g) An advisory committee or working group may consist wholly of persons who are not councillors, subject to a person being appointed to take Minutes or produce a Report of the meeting for presentation to a Committee of the Council or the Council itself.

51. VOTING IN COMMITTEES, ADVISORY COMMITTEES AND WORKING GROUPS

Members of committees, advisory committees and working groups entitled to vote, shall vote by show of hands, or if at least two members so request, by signed ballot.

52. **Chairmen of committees, advisory committees and working groups shall in the case of an equality of votes have a second or casting vote.**

53. PRESENCE OF NON MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS ADVISORY COMMITTEES AND WORKING GROUPS

A Member who has moved a proposal which has been referred to any committee of which they are not a member, may explain his proposal to the committee, advisory committee or working group, but shall not vote.

54. ACCOUNTS, FINANCIAL STATEMENTS AND BUDGETS

The Council shall complete and approve by resolution, a detailed written Budget for the coming year by the end of November in each year.

55. NALC model clause not used. Refer to Financial Regulation 1.3

56. NALC model clause not used.

57. INTERESTS

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 26 March 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

58. Replaced by Standing Order 70.

59. NALC Model Clause not used

60. The Clerk shall be required to compile and hold a register of Member's interests, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or required by statute.

61. If a candidate for any appointment under the Council, or a person seeking the lease of any Town Council property, is to his knowledge related to any member of, or the holder of any office under, the Council, they, and the person to whom they are related, shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a Member is disclosed Standing Order 57 shall apply.

62. The Clerk shall make known the purpose of this Standing Order to every candidate.

63. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

(a) Canvassing of members of the Council or of any committee, advisory committee or working group, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.

(b) A member of the Council or of any committee, advisory committee or working group shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

64. Standing Orders Nos. 61 and 63 shall apply to tenders and to prospective tenants of Town Council property as if the person making the tender or seeking the tenancy, were a candidate for an appointment.

65. INSPECTION OF DOCUMENTS

A member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

66. **(a) All Minutes kept by the Council and by any committee, advisory committee or working group shall be open for the inspection of any member of the Council.**

(b) The Minutes of the Council shall be open to inspection by any elector of the town by appointment during normal office hours.

67. UNAUTHORISED ACTIVITIES

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

(a) Inspect any lands or premises which the Council has a right or duty to inspect; or

(b) issue orders, instructions or directions

unless authorised to do so by the Council or the relevant committee or sub-committee.

68. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

The public shall be admitted to all meetings of the Council, its committees, sub-committees and advisory committees which may, however, temporarily exclude the public by means of the following resolution:

“That in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.”

Note that in respect of working groups, the public and press will not normally be admitted [see clause 50(d)].

69. The Council or committee shall state the special reason for exclusion

70A. At all meetings of the Council, the Chairman may at his discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 26 March 2002 shall apply to Members of the Council in respect of the entire meeting. Where, however, Members of the Council exercise their rights pursuant to SO70B, below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.

70B. At all meetings of the Council, the Chairman may permit Members of the Council (including co-opted members as defined by s49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 26 March 2002 shall apply to members of the Council in respect of the entire meeting.

71. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council

72. If a member of the public interrupts proceedings at any meeting the Chairman may, after warning, order that they be removed from the Council chamber, and may adjourn the meeting for such period as is necessary to restore order.

73. CONFIDENTIAL BUSINESS

(a) No member of the Council or of any committee, advisory committee or working group shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee, advisory committee or working group as the case may be.

(b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee, advisory committee or working group.

74. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

A summons and Agenda for any Town Council Meeting shall be sent together with an invitation to attend to the County Councillor for the County Division and to the District Councillor or Councillors for the District Ward.

75. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillors for the ward as the case may require.

76. PLANNING APPLICATIONS

The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-

- (i) the date on which it was received;
- (ii) the name of the applicant;
- (iii) the place to which it relates;
- (iv) a summary of the nature of the application.

77. STANDING ORDER ON CONTRACTS

NALC Model Clause not used. Refer to Financial Regulation 11.

78. CODE OF CONDUCT ON COMPLAINTS

The Council shall deal with all complaints of maladministration allegedly committed by the Council, or by any officer or Councillor, in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

79. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business provided there shall be at least eight Councillors present.

80. A proposal permanently to add, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

81. STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

82. PERMISSION FOR THE ELECTORATE TO SPEAK AT COUNCIL

(a) Only one subject may be addressed at any one time

(b) Details of the one subject to be addressed are received in writing, signed by that town elector and delivered to the Town Clerk not later than 10am on the Tuesday in the week before the due meeting.

(c) The Town Mayor or Chairman shall first introduce the subject to be addressed.

(d) The speaker shall be allowed to speak on one subject for no more than five minutes at the meeting.

(e) The Town Mayor or Chairman shall respond and the matter may be debated by members at that meeting.

(f) Where a response cannot be given without the necessary research the matter shall be referred for further consideration at the next Council meeting, or may be dealt with in writing.

(g) In exceptional or urgent circumstances Council may agree to hear an elector for five minutes without written notice.

(h) The maximum number of electors permitted to speak at any one meeting shall be three.

11 December 2007