



# **BURNTWOOD TOWN COUNCIL**

## **STANDING ORDERS Amended 16 November 2021**



**STANDING ORDERS WITH RESPECT TO PROCEEDINGS AND BUSINESS OF  
BURNTWOOD TOWN COUNCIL**

**STATUTORY PROVISIONS**

**THESE STANDING ORDERS ARE BASED ON THE NEW NATIONAL MODEL STANDING ORDERS PUBLISHED BY THE NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC) IN 2013.**

Some matters on which a council would normally make a Standing Order have been laid down in Acts of Parliament and are therefore compulsory.

The Standing Orders based on the statutory provisions have been printed in **bold type**.

This is so that Councillors can have available in one document a complete procedural code, which includes the prescribed statutory elements and the discretionary rules adopted by Council as Standing Orders.

Statutory provisions cannot be suspended or amended, as can the Standing Orders made by Council (see Standing Order No 32).

All provisions incorporated into these Standing Orders have been made in accordance with primary legislation and with due regard to the provisions of the Human Rights Act 1998.



**INDEX OF STANDING ORDERS**

Standing Order		Standing Order	
1	Meetings	18	Extraordinary Meetings
2	Ordinary Council Meetings	19	Advisory Committees
3	Proper Officer	20	Responsible Financial Officer
4	Motions Requiring Written Notice	21	Accounts and Accounting Statements
5	Motions Not Requiring Written Notice	22	Estimates/Precepts
6	Rules of Debate	23	Canvassing of and Recommendations by Councillors
7	Co-option: Procedure to Fill a Casual Vacancy Occurring on the Town Council	24	Inspection of Documents
8	Code of Conduct (England)	25	Unauthorised Activities
9	Questions	26	Confidential Business
10	Minutes	27	General Power of Competence (England)
11	Disorderly Conduct	28	Matters Affecting Council Employees
12	Rescission of Previous Resolutions	29	Freedom of Information Act 2000
13	Voting on Appointments	30	Financial Controls and Procurement
14	Expenditure	31	Allegations of Breaches of the Code of Conduct
15	Execution & Sealing of Legal Deeds	32	Variation, Revocation and Suspension of Standing Orders
16	Committees	33	Restriction on Councillor Activities
17	Sub-Committees	34	Standing Orders to be Given to Councillors



**LEGEND:**

- Mandatory for Full Council meetings
- Mandatory for Committee meetings
- Mandatory for Sub-Committee meetings

**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) ● ● The minimum three clear days for notice of a meeting does not include 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 a bank holiday or a day appointed for public thanksgiving or mourning.
- c) ● ● The minimum three clear days public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- d) ● ● Meetings of the Council 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.
- e) **Public Forum:** Subject to Standing Order 1(d) above, a maximum of 30 minutes will be allocated prior to the commencement of any meeting where members of the public may put questions or make comments on any matter in relation to which the Town Council has powers or duties which affect the area. Subject to the Council being given 3 working days' notice of the issue to be raised
- f) **All meetings except for full Council and the Annual Meeting:** Subject to Standing Order 1(d) above, members of the public are also permitted to make representations, answer questions, and give evidence in respect of any item of business included on the meeting's agenda, subject to the Council being given 3 working days' notice of the issue to be raised.
- g) Subject to Standing Order 1(e) above, each member of the public shall not normally speak for more than 3 minutes. The Chair will have the discretion to allow a speaker more time if appropriate.
- h) In accordance with Standing Order 1(e) 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.
- i) In accordance with 1(h) above, the Chair may direct that a response to a question posed by a member of the public be referred to the Leader of the Council or their nominee for an oral response or to an employee for a written response.
- j) A record of a public participation session at a meeting shall be noted in the minutes of that meeting.
- k) A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair may at any time permit an individual to be seated when speaking.
- l) Any person speaking at a meeting shall address their comments to the Chair.

- m) 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.
- 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.
- n) ● **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**
- o) ● **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- p) ● ● ● **Subject to Standing Order 1(w) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- q) ● ● ● **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (See also Standing Orders 2(h) and 2(i) below.)**
- r) ● **Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question.** Such a request shall be made before the vote is taken.
- s) ● ● ● **The minutes of a meeting shall record the names of Councillors present and apologies for absence.**
- t) ● ● ● **A 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.**
- v) ● ● ● **No business may be transacted at a meeting of the Council unless at least one third (8) of the whole number of Members of the Council are present and in no case shall the quorum of a committee, sub-committee, working group or Task & Finish Group meeting be less than 3.**
- w) ● ● ● **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.**

## 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) **If no other time is fixed, the annual meeting of the Council shall take place at 6.00 pm.**



- 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) **The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.**
- f) **The Chair of the Council, unless they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g) **The Vice-Chair of the Council, if any, unless they resigns or becomes disqualified shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h) **In an election year, if the current Chair of the Council has not been re-elected as a Member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**
- i) **In an election year, if the current Chair of the Council has been re-elected as a Member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**
- j) Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i) **In an election year, delivery by the Chair of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date.**
  - ii) Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes and/or to determine recommendations made by committees.
  - iii) Appointment of committees, sub-committees, working groups, Task & Finish Groups.
  - iv) Appointment of representatives to represent the Council on Outside Bodies.
  - v) Any other business specified in the summons.

#### **Other Meetings**

- k) After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
  - i) **After consideration to approve the signing of the Minutes by the person presiding as a correct record.**
  - ii) **To deal with business expressly required by statute to be done.**

- iii) Chair's announcements.
- iv) To dispose of business, if any, remaining from the last meeting.
- v) To receive and consider reports and minutes of committees.
- vi) To answer questions from Councillors.
- vii) To receive and consider resolutions or recommendations in the order in which they have been received.
- viii) To consider motions in the order in which notice has been received.
- ix) Any other business specified in the summons.

### **Urgent Business**

- m) A motion to vary the order of business on the grounds of urgency:
  - i) May be proposed by the Chair or by any Councillor and, if proposed by the Chair, may be put to the vote without being seconded, and
  - ii) Shall be put to the vote without discussion.

### **3. PROPER OFFICER**

- a) The Council's Proper Officer shall be either:
  - i) The Town Clerk
  - ii) Or such other employee as may be 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 or post or email at their residence 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 3 clear days before the meeting.**
  - ii) **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 or a sub-committee (provided that public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
  - iii) Subject to Standing Orders 4(a)-(e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it.
  - iv) **Convene a meeting of Full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in her/his office, in accordance with Standing Order 3(b)(i) above.**
  - 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 acceptance of office forms from Councillors.
- viii) Retain a copy of every Councillor's register of interests.
- 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 sign general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii) Manage the organisation, 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. (See also Standing Orders 15a) and (b).)
- xiv) Arrange for 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 electronically on the planning software used by the Council.
- xvi) Refer a planning application received by the Council to the Chair or in their absence the Vice-Chair of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the Planning Committee.
- xvii) To certify copies of bylaws made by the Council.
- xviii) Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

#### **4. MOTIONS REQUIRING WRITTEN NOTICE**

- a) In accordance with Standing Order 3(b)(iii) above, 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 5 clear days before the next meeting.
- b) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the 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.
- c) 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.
- d) The Proper Officer shall insert in the Summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Councillor giving a notice of motion has stated in writing that s/he intends to move at some later meeting or that s/he withdraws it.

- e) If a resolution or recommendation specified in the summons is not moved either by the Councillor who gave notice of it or by any other Councillor, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- f) 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.
- g) 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.
- h) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chair, if they considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

## **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 of the draft 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) That the Council proceed to the next business.
  - vii) To close or adjourn debate.
  - viii) To refer by formal delegation a matter to a committee or 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 any employee.
  - xiv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xv) To authorise legal deeds to be signed by two Councillors and witnessed. (See Standing Orders 14(a) and (b) below.)

- xvi) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xvii) To give leave to withdraw a resolution or amendment.
  - xviii) That the question be now put.
  - 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 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.
- 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.

## **6. RULES OF DEBATE**

### **a) Motions and Amendments**

- i) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- ii) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- iii) A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.

### **b) Seconded's Speech**

A Councillor when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

### **c) Content of Speeches**

A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point of order – naming the appropriate order.

### **d) Length of Speeches**

No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Chair of the Council.

**e) Amendments to Motions**

- i) A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chair, be put in writing and handed to them before it is further discussed or put to the meeting.
- ii) A Councillor may move amendments to their own motion. If that motion has already been seconded, an amendment to it shall be moved only with the consent of the seconder.
- iii) Any amendment to a motion shall be relevant to the motion and shall be either:
  - To leave out words
  - To add words
  - To leave out words and add other words
  - To refer a subject of a debate to a committee for consideration or reconsideration
- iv) An amendment to a motion shall not have the effect of rescinding, negating or radically altering the original or substantive motion under consideration.
- v) Only one amendment shall be moved and debated at a time. No further amendments to a motion shall be moved until the amendment under discussion has been disposed of unless the Chairman considers this expedient.
- vi) If an amendment is not carried, other amendments may be moved on the original motion.
- vii) 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.
- viii) The mover of the motion or of an amendment shall have the right of reply, not exceeding 3 minutes.
- ix) A Councillor, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution 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.
- x) A Councillor may speak on a point of order or a personal explanation. A Councillor speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.
- xi) A Councillor exercising a right of reply shall not introduce new matters.
- xii) After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
- xiii) 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 the debate and immediately before it is put to the vote.

**f) When a Councillor May Speak Again**

Subject to Standing Orders 6(f), (h) and (i), a Councillor may not speak further in respect of any one motion whilst it is the subject of debate, except:

- i) to speak once on an amendment moved by another Councillor;
- ii) to move or speak on another amendment if the motion has been amended since they last spoke;
- iii) to make a point of order;
- iv) to give a personal explanation; or
- v) in exercise of a right of reply.

**g) Points of Order and Personal Explanation**

- i) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and shall be entitled to be heard forthwith and the Councillor who was interrupted shall stop speaking.
- ii) A Councillor raising a point of order shall identify the Standing Order or statutory provision which they considers has been breached and the way they considers it has been breached or specify the irregularity in the meeting they are concerned by.
- iii) A point of order shall be decided by the Chair and their decision shall be final.
- iv) A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood in the present debate.

**h) Withdrawal of a Motion**

A motion amendment may be withdrawn by the proposer with the consent of the Council and in cases of Motions Moved Without Notice with the consent of the seconder, which shall be signified without discussion, and no Councillor may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

**i) Motions Which May be Moved During a Debate**

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 no longer heard or to leave the meeting
  - vi) To refer a motion to a committee or sub-committee for consideration
  - vii) To exclude the public and press
  - viii) To adjourn the meeting
  - ix) To suspend particular Standing Order, excepting those which reflect mandatory statutory requirements.
- j) Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

k) **Standing**

A Councillor shall stand when speaking unless permitted by the Chair to sit on account of infirmity.

l) **Ruling on Point of Order or Personal Explanation**

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.

m) **Mode of Address**

During the sitting of the Council, Councillors shall address the Chair and every Councillor shall, in referring to the Chairman, Vice-Chair, Councillors and Officers, employ their respective official titles.

n) **Only One Councillor to Stand and Speak at a Time**

A Councillor when speaking shall stand and address the Chair. If two or more Councillors rise, the Chair shall call on one to speak; the other or others shall then sit. While a Councillor is speaking the other Councillors shall remain seated and silent, unless rising on a point of order or in personal explanation.

o) **Respect for the Chair**

Whenever the Chair speaks during a debate a Councillor then standing shall resume their seat and the Council shall be silent.

p) **Closure Motions**

A Councillor may move without comment at the conclusion of a speech of another Councillor:

- i) "That the Council proceed to the next business".
- ii) "That the motion be now put".
- iii) "That the debate be now adjourned".
- iv) "That the Council do now adjourn".

On the seconding of which the Chair shall proceed as follows:

- On a motion "That the Council proceed to the next business", unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to vote the motion to proceed to the next business.
- On a motion "That the motion be now put", unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the motion be now put, and if it is passed then give the mover of the original motion their right of reply under Standing Order 6(f) before putting their motion to the vote.
- On a motion "That the debate be now adjourned" or "That the Council do now adjourn"; if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discuss on that occasion, they shall



put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

- On resuming an adjourned debate, the Councillor who moved its adjournment shall be entitled to speak first.

*(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 Councillors not present of the date of the continuation of the meeting.)*

**q) Alterations of Motions**

- i) For Motions Moved on Notice a Councillor may:
  - a) With the consent of the Council without discussion alter a motion of which they have given notice, provided the alteration is one which could be made as an amendment thereto;  
  
and
  - b) Move amendments to their own motion.
- ii) For Resolutions Moved Without Notice a Councillor may:
  - a) With the consent of their seconder and the Council signified without discussion alter a motion, provided the alteration is one which could be made as an amendment thereto;  
  
and
  - b) With the consent of their seconder, move amendments to their own motion.

**7. CO-OPTION: PROCEDURE TO FILL A CASUAL VACANCY OCCURRING ON THE TOWN COUNCIL**

- a) If a casual vacancy should arise on the Council due to:
  - a Councillor's failure to make their Declaration of Acceptance of Office within the proper time,
  - resignation or
  - deaththen the Town Clerk will normally start the proceedings to fill the vacancy without further recourse to a meeting of the Town Council.
- b) If a casual vacancy arises for any other reason, e.g. disqualification due to six months absence from meetings or other reason for disqualification, then the Town Clerk on behalf of the Town Council shall declare the office vacant and start the proceedings to fill the vacancy without further recourse to a meeting of the Town Council.
- c) If a casual vacancy arises within six months of the day when the Councillor whose office is declared vacant would ordinarily have retired then no by-election may be demanded. As the Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Council will be asked at its next suitable meeting which option it wishes to pursue.

- d) Except in the circumstances described in (c) above, notice of the vacancy will be issued by the Town Council in consultation with the Electoral Services section of Lichfield District Council; notices will normally be placed on the Council's notice board, on the Council's web site, in Burntwood Library and in the local press.
- e) If a by-election is called, Electoral Services will inform the Town Council and will then make all the necessary arrangements for the by-election. Poll cards for the by-election will be issued by Electoral Services; poll cards are optional and the Town Council will incur a cost for issuing them.
- f) If no by-election is called, Electoral Services will inform the Town Council and the Town Council can co-opt a new Member. Normally the Town Clerk will invoke the procedure to do this immediately without recourse to a meeting of the Council.
- g) Co-option vacancies will be advertised on the Council's notice board and through any other medium which the Council or Town Clerk consider suitable.
- h) Applications for co-option will be considered at the next suitable meeting of the Council.
- i) Applicants for co-option will be asked to submit information about themselves and must confirm their eligibility for the position of councillor within the statutory rules. They will be invited to give a presentation of up to three minutes to the Council meeting at which the co-option will be considered.
- j) At the meeting there will be no further discussion following the presentations. The Council shall vote upon the applicant(s). The Council will suspend Standing Order 1(s) and agree to conduct the vote by ballot. Ballot papers will be distributed and the Council will proceed immediately to vote. The Council reserves the right not to make a co-option.
- k) Voting will be according to the statutory requirements, i.e. by a clear majority of those present and voting.
- l) The successful application will execute the Declaration of Acceptance of Office within the specified timeline after the decision has been made and will therefore receive summonses to meetings of the Council and may act as a Member of the Council.

## **8. CODE OF CONDUCT (ENGLAND)**

*See also Standing Orders 1(d)-(i) above.*

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) If a Councillor has a personal interest as defined by the Code of Conduct adopted by the Council then they shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- c) Councillors with a Disclosable Pecuniary Interest (DPI) will leave the room when the item in which they have interest is discussed by the Council.
- d) If a Councillor who has declared a personal interest then considers the interest to be prejudicial, they must withdraw from the room or chamber during consideration of the item to which the interest relates.
- e) **Dispensation requests shall be in writing 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 decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- g) The existence, duration and nature of any dispensations granted will be clearly minuted and included in the Register of Disclosable Interests.
- h) The Proper Officer is required to compile and hold a Register of Councillors' interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- i) **A dispensation may be granted in accordance with standard order 8(f) above if having regard to all relevant circumstances the following applies:**
  - i) **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii) **granting the dispensation is in the interests of persons living in the Council's area or**
  - iii) **it is otherwise appropriate to grant a dispensation.**

## **9. QUESTIONS**

- a) A Councillor may seek an answer to a question concerning any business of the Council provided 3 working 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.
- d) A person to whom a question has been put may decline to answer.

## **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 Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be moved in accordance with standing order 5(ii) above.
- 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, they shall sign the Minutes and include a paragraph in the following terms or to the same effect:

"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 their 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) **Presentation of Committee Minutes and Reports**

The Chair of the committee concerned, or in their absence the Vice-Chair or, should they also be absent, such other Councillor as the Chair may select, shall move an original motion that the Minutes of the committee be received or approved and adopted as the case may be. On such a motion being duly seconded it shall operate as a series of motions that each item of the Minutes or report be received and the recommendations therein (if any) be adopted. The committee minutes shall here upon be open to discussion by the Council.

## **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, there has been a breach of Standing Order 11(a) above, 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.
- c) If a resolution made in accordance with Standing Order 11(b) above is disobeyed the Chair may take such further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

- d) **General Disturbance**

In the event of general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may, without the question being put, adjourn the meeting for such period as they at their discretion shall consider expedient.

- e) **Disturbance by Members of the Public**

If the public interrupts the proceedings of any meeting, the Chair of the Council or committee Chair may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

## **12. RECISSION 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 11 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) above has been disposed of, no similar motion may be moved within a further 6 months.

## **13. VOTING ON APPOINTMENTS**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of the 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 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.**
- d) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two Councillors.**

**15. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also Standing Order 5(a)(xv) above.*

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by resolution.
- b) **In accordance with a resolution made under Standing Order 14(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.**
- c) **Authentication of Documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Proper Officer or a person authorised by him unless any enactment otherwise requires or authorises, or the Council give the necessary authority to another officer for the purpose of such proceedings.

**16. COMMITTEES**

*See also Standing Order 1 above.*

- a) The Council may, at its Annual Meeting, appoint committees and may at any other time appoint such committees as may be necessary, and:
  - i) Shall determine their terms of reference.
  - ii) May permit committees to determine the date of their meetings.
  - iii) Shall appoint and determine the term of office of members of such a committee 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 2 days before the meeting that they are unable to attend.
  - v) An ordinary Member of a committee who has been substituted at a meeting by a substitute Member (in accordance with Standing Order 16(a)(iv) above shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.
  - vi) May in accordance with Standing Orders, dissolve a committee at any time.

- vii) Except where authorised by statute or ordered by the Council, in the case of a committee, the quorum of a committee shall be one-half of its Members.

**17. 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.
- b)
  - i) No act of the sub-committee shall have effect until approved by the committee or the Council as appropriate.
  - ii) All sub-committees will report to the parent committee on a regular basis.
- c) The Chair and Vice-Chair of the committee shall be Members of every sub-committee appointed unless they signify that they do not wish to serve.

**18. EXTRAORDINARY MEETINGS**

*See also Standing Order 1 above.*

- a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chair 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 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 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of a committee (or sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

**19. ADVISORY COMMITTEES**

*See also Standing Order 1 above.*

- a) The Council may appoint Advisory Committees comprised of a number of Councillors.
- b) The name of an Advisory Committee, the number of Members and the bodies to be invited to nominate Members shall be specified.
- c) The Proper Officer shall inform the Members of each Advisory Committee of the terms of reference of the committees.
- d) An Advisory Committee may make recommendations and give notice thereof to the Council but its decisions and recommendations shall not be mandatory.

**20. RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

**21. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- b) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i) the Council's receipts and payments for each quarter;
  - ii) the Council's aggregate receipts and payments for the year to date;
  - iii) the balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i) each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii) to the Full Council the accounting statements for the year in the form of Section 2 of the Annual Return, as required by proper practices, for consideration and approval.
- e) The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft Annual Return shall be presented to each Councillor before the end of the following month of May. The Annual Return of the Council, which is subject to external audit, including the governance statement, shall be presented to Council for consideration and formal approval before 30 June.

**22. ESTIMATES/PRECEPTS**

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- 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 31 October.

**23. 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

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 appointment.

#### **24. INSPECTION OF DOCUMENTS**

- a) Subject to Standing Orders to the contrary a Councillor may, for the purposes of her/his official duties (but not otherwise) inspect any documents in the possession of the Council or a committee or a sub-committee and request a copy for the same purpose.
- b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

#### **25. UNAUTHORISED ACTIVITIES**

Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- a) Inspect or enter any land and/or premises which the Council has a right or duty to inspect or enter; or
- b) Issue orders, instructions or directions.

#### **26. CONFIDENTIAL BUSINESS**

- a) Councillors and employees shall not disclose confidential or sensitive information which for special reasons would not be in the public's interest.
- b) A Councillor in breach of the provisions of Standing Order 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- c) An employee in breach of the provisions of Standing Order 26(a) above may be subject to disciplinary action by the Council.

#### **27. GENERAL POWER OF COMPETENCE (ENGLAND)**

- a) **Before exercising the general power of competence, 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 27(a) above was made and a resolution should be passed at each subsequent relevant annual meeting confirming that the Council meets the conditions set out below:**

**(1) At the time a resolution under paragraph 1 is passed:**



- (a) **the number of members of the Council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the Council;**
- (b) **the clerk to the parish council holds:**
  - (i) **the Certificate in Local Council Administration;**
  - (ii) **the Certificate of Higher Education in Local Policy;**
  - (iii) **the Certificate of Higher Education in Local Council Administration; or**
  - (iv) **the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and**
- (c) **the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).**

**(2) For the purposes of this paragraph "relevant training" means training:**

- (a) **in the exercise of the general power;**
  - (b) **provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.**
- 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 general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 27(b) above.**

## **28. 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) above.
- b) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, capabilities, grievance and disciplinary matters as confidential and secure.
- c) 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.
- d) No employee other than the Town Clerk/Deputy Town Clerk shall have access to staff records referred to in Standing Orders 28(b) and (c).
- e) Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 128b) and (d) above shall be provided only to the Town Clerk/Deputy Town Clerk if so justified.
- f) **Relatives of Councillors or Officers**

If a candidate for any appointment under the Council is to her/his knowledge related to any Councillor 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 Proper Officer. A candidate

who fails to do so shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure.

- g) The Proper Officer shall make known the purpose of this Standing Order to every candidate.

## **29. FREEDOM OF INFORMATION ACT 2000**

Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Policy & Resources Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **30. FINANCIAL CONTROLS AND PROCUREMENT**

- a) The Council shall consider and approve Financial Regulations drawn up by the RFO, which shall include detailed arrangements in respect of the following:
- i) The accounting records and systems of internal control.
  - ii) The assessment and management of financial risks faced by the Council.
  - iii) The work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
  - iv) The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments.
  - 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 £25,000.
- b) Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c) **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 30(d) below,**
- d) Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i) A specification of the goods, materials, services and the execution of works shall be drawn up.
  - ii) An invitation to tender shall be drawn up to confirm (i) the Council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process

- iii) The invitation to tender shall be advertised in an appropriate manner.
  - iv) Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
  - v) Tenders submitted shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed
  - vi) Tenders are to be reported to the appropriate meeting of the Council or committee or sub-committee with delegated responsibility
- e) Neither the Council, nor a committee a sub-committee with delegated responsibility is bound to accept the lowest value tender, estimate or quotation or indeed any
- f) **Where the value of a contract is likely to exceed £164,176 (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 Monitoring Officer at Lichfield District Council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Leader 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 possible to do so by law, the Council (including the Proper Officer and the Leader of the Council) 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 30(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 30(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Leader of the Council otherwise) from disclosing information to Councillors 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 Council may:
  - 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 Councillor 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 30 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.
- h) **Upon notification by the District Council that a Councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against her/him. Such action excludes disqualification or suspension from office.**

### **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 revoke one or more the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting vote in favour of the same.

### **33. RESTRICTION ON COUNCILLOR ACTIVITIES**

Unless authorised by a resolution, no Councillor shall:

- i) inspect any land and/or premises which the Council has a right or duty to inspect,  
or
- ii) issue orders, instructions or directions.

### **34. 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 her/his declaration of acceptance of office form.
- b) The Chair'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 them being excluded from the meeting in accordance with Standing Orders.