

Sleaford Town Council

CONSTITUTION Chapter 3 Standing Orders



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(Note: Text in **Bold** is required by Statute)

1 FORMAL MEETINGS OF THE COUNCIL

- a. The Chair and Vice-Chair of the Council will be the Mayor and Deputy Mayor respectively.
- b. 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.**
- c. When calculating the minimum 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- d. Councillors are expected to attend meetings.
- e. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- f. Wherever possible, meeting venues shall enable disabled people to participate fully in meetings.
- g. Subject to Standing Order 1[e] above, members of the public are permitted to make representations and a part of the agenda shall be allocated for this purpose. Meetings can be suspended by resolution to involve the public at any time.
- h. Detailed questions from the public may be answered at a later date at the discretion of the Chair.
- i. A summary record of public participation at meetings shall be included in the minutes of the meeting.
- j. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted provided no disruption is caused to the meeting's proceedings. This right shall not apply where the Council moves into closed session by virtue of the Public Bodies (Admissions to Meetings) Act 1960, and public and press are excluded.**
- k. Requests from the Press or other media for an oral or written comment or statement from the Council, its Councillors or Staff shall be handled in accordance with the Council's Policy in respect of dealing with the Press or other media.

- l. In accordance with Standing Order 1[e] above, the press and public 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.
- m. **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].**
- n. **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.**
- o. **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon subject to the meeting being quorate.**
- p. **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.**
- q. **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 his vote for or against that question.**
- r. **The minutes of a meeting shall record the names of Councillors present at the beginning of the meeting or when they arrive afterwards and/or leave before the end.**
- s. **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- t. **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
- u. **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
- v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business shall be transacted at a following meeting. At the discretion of the Chair public forum may continue.

2 ORDINARY COUNCIL MEETINGS

- a. 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.**
- b. If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
- c. 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.**
- d. The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.**
- e. The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- f. The Vice-Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- g. 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.**
- h. 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.**
- i. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows:**
 - i. in an election year, delivery by Councillors of their declarations of acceptance of office;**
 - ii. confirmation of the accuracy of the minutes of the last meeting of the Council;**
 - iii. resolve whether to approve the Council's Standing Orders [including the remit for the Chair] or to review them;**
 - iv. receive nominations for and appoint Councillors to Panels;**
 - v. set the dates, times and place of ordinary meetings of the Council for the year ahead.**

3 THE ROLE OF THE CHAIR

- a. The Roles and Duties of the Chair and Vice-Chair are:
- b. The Chair is elected by the members of the Council at the Annual Council Meeting and serves for twelve months (Section 15 (1) of the Local Government act 1972).
- c. The Chair's main role is to run the Council meetings. The Chair can suggest the content and design of the agenda, but as legal signatory, the Clerk has the final say. The Chair is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and, assisted by the Clerk, guides activities by managing the meetings of the Council. The Chair is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point. The Chair summarises the debate and facilitates the making of clear Resolutions and is responsible for keeping discussions moving so that the meeting is not too long.
- d. The Chair has a casting vote. The Chair's first vote is a vote as a member of the Council. If there is a tied vote, the Chair can have a second, casting vote.
- e. The Chair will also act as the Town Council's Mayor. As the Mayor, the Chair will often be the public face of the Council and will represent the Council at official events. The Chair may be asked to speak on behalf of the Council and, in such circumstances, should only express the agreed views of the Council and not their personal views.
- f. The Chair cannot legally make a decision on behalf of the Council.
- g. In summary the Chair of a Town Council has no more powers or duties than any other Councillor except to work with the Clerk to set the Council Agenda, Chair the Council in a fair and effective way and use his casting vote when needed and to act, as the Mayor, as the public face of the Council at official events.
- h. The Vice-Chair's responsibilities are solely to deputise for the Chair and the Mayor if he is not available.

4 PROPER OFFICER

- a. The Council shall appoint a Proper Officer.
- b. The Council's Proper Officer shall fulfil the following duties:

give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);

send to Councillors the time, date, venue and the agenda of meetings of the Council at least 3 clear days before the meeting, by delivery, by post or electronically;

- **convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office, in accordance with Standing Orders;**
- attend Council meetings;
- make available for inspection by the public the minutes of meetings;
- **receive and retain copies of bye-laws made by other local authorities;**
- receive and retain declarations of acceptance of office from Councillors;
- retain and make available for inspection by the public a copy of every Councillor's register of interests and any changes to it;
- process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998;
- implement decisions of the Council via delegated authority and have overall managerial responsibility for service delivery
- have overall managerial responsibility for staff recruitment [including the drafting of job descriptions] and management while alterations to the corporate staff structure and changes to staff grading shall remain Council responsibility;
- provide objective advice on all matters.
- To record every planning application notified to the Council and the Council's response to the local Planning Authority
- To advise the Council, as to what planning applications are for Officer Recommendation, of no comments
- Any possible contentious planning application to be listed on the agenda for discussion, for an agreed response, taking into account the differences between material and non-material planning comments
- When there is insufficient time or the Council does not wish to use their full process, the council may wish to use the delegated power of the Proper Officer as they are entitled to do under s.101 of the Local Government Act 1972
- To engage with any interested parties in the planning process and report to Council as required
- To undertake appropriate advice on the planning process, and best practice in dealing with planning applications, in accordance with any budget set by Council
- To respond to any consultation documents relating to strategic and national planning policies as directed by the Council

5 MOTIONS

- a. No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer.
- 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. Having consulted the Chair or Councillors, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- d. Every motion rejected in accordance with the Council’s standing orders shall be duly recorded by the Proper Officer giving reasons for its rejection which shall be open to inspection by all Councillors.

- e. 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 absences of Councillors;
 - iii. to approve the accuracy of the minutes of the previous meeting;
 - iv. to correct an inaccuracy in the minutes of the previous meeting;
 - v. to dispose of business, if any, remaining from the last meeting;
 - vi. to alter the order of business on the agenda; to proceed to the next business on the agenda;
 - vii. to close or adjourn debate;
 - viii. to refer by formal delegation a matter to a Panel;
 - ix. to appoint a small Group to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
 - x. to authorise legal deeds to be signed or sealed using the Council’s common seal by the Proper Officer and witnessed by two Councillors;
 - xi. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
 - xii. to exclude the press and public for all or part of a meeting;
 - xiii. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
 - xiv. to give the consent of the Council if such consent is required by Standing Orders;
 - xv. to consider a motion of no confidence in the Chair of the meeting;
 - xvi. to consider a motion of no confidence in a Councillor only when that Councillor is present, except when the meeting is a Council meeting;
 - xvii. to suspend any Standing Order except those which are mandatory by law;
 - xviii. to adjourn the meeting;
 - xix. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

6 RULES OF DEBATE

- a. The Chair will abide by the rules of debate and their decision is final.

- b. A motion shall not be considered unless it has been proposed and seconded.

- c. Subject as above, a motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.

- d. The Chair shall decide the order in which amendments are considered and dealt with.

- e. Only one amendment shall be moved at a time.

- f. The mover of a motion or the mover of an amendment shall have a right of reply.
- g. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and if so required by the Chair the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or identify any irregularity.
- h. A point of order shall be decided by the Chair and their decision shall be final.
- i. When a motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a Panel for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any Standing Order, **except those which are mandatory**;
- j. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke
 - iii. to make a point of order
 - iv. to give a personal explanation
 - v. in exercise of a right of reply

7 CODE OF CONDUCT

All Councillors shall observe the code of conduct adopted by the Council.

- a. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- b. A decision as to whether to grant a dispensation shall be made by a meeting of the council, for which the dispensation is required and that decision is final.
- c. A dispensation request shall give:
 - i. the description and nature of the disclosable pecuniary interest or other interest to which the request relates

- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought
- iv. an explanation as to why the dispensation is sought.

d. Subject to standing orders, dispensations requests shall be considered at the beginning of the meeting of the council, for which the dispensation is required.

e. A dispensation may be granted in accordance with standing orders 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.**

8 MINUTES

Minutes, including any amendment to correct their accuracy shall be confirmed by resolution and every page shall be signed and dated by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate. Every page shall be numbered.

9 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 Orders, 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 forthwith and without discussion.
- c. If a resolution made in accordance with Standing Orders, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

10 VOTING ON APPOINTMENTS

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

11 EXECUTION AND SEALING OF LEGAL DEEDS

The Council's common seal shall alone be used for sealing a deed required by law. It shall be kept in the custody of and applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.

12 PANELS

- a. The Council may appoint Panels comprised solely of Councillors;
- b. Each Panel shall include a member of staff to provide advice and an administrative function;
- c. The remit, terms of reference, timescale and membership shall be determined by resolution of the Council;
- d. Panels make recommendations to the Council but cannot decide on matters;
- e. A Panel will consist of a maximum of seven members except for the Clerk's Management Panel which has three members;
- f. A Panel may invite and seek expert advice from outside the Panel, however, all recommendations brought to the Council can only be decided by those appointed to sit on the Panel;
- g. The Council may dissolve a Panel at any meeting.

13 EXTRAORDINARY MEETINGS

- 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 within 7 days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

14 FINANCIAL CONTROLS AND PROCUREMENT

The Council shall consider and approve financial regulations drawn up by the Clerk/Responsible Financial Officer.

- a. **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 an employee.**
- b. **The Council's financial regulations shall be reviewed once a year.**
- c. **Financial regulations shall confirm that a proposed contract for the supply of goods, material, services and the execution of works with an estimated value in excess of £25,000.00 shall satisfy the requirements of the 2015 Public Contract Regulations, on the basis of a formal tender as summarised in section 11 of the Council's Financial Regulations.**

15 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.

- c. The Clerk/RFO shall supply each councillor as soon as practicable after 30 June, 30 September and 31 December with a statement to summarise receipts and payments and includes a comparison with the budget for the current financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Clerk/RFO shall provide the Council with accounting statements for the year in the form of Section 1 of the annual return, as required by proper practice, 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 for a year to 31 March. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval in accordance with Statutory Requirements.

16 ANNUAL BUDGET AND PRECEPT

The Council shall approve a budget for the coming financial year before the end of January each year and instruct the Clerk/RFO to submit the precept demand.

17 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a. Canvassing Councillors, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. A Councillor 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.
- b. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

18 INSPECTION OF DOCUMENTS

Subject to Standing Orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose.

19 UNAUTHORISED ACTIVITIES

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

- a. inspect any land and/or premises which the Council has a right or duty to inspect;
or
- b. issue orders, instructions or directions
- c. make decisions unless authorised to do so by Council.

20 CONFIDENTIAL BUSINESS

- a. Councillors shall not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature.
- b. A Councillor in breach of this Standing Order may be removed from a Panel by a resolution of the Council.

21 MATTERS AFFECTING COUNCIL EMPLOYEES

- a. Council shall discuss matters affecting Council employees in confidence.
- b. The Council shall keep written records relating to employees in a secure place.

22 FREEDOM OF INFORMATION ACT 2000

The Council shall have a policy on how to process requests under the Freedom of Information Act 2000.

23 LIAISON WITH THE MP AND DISTRICT AND COUNTY COUNCILLORS

An invitation to attend all meetings of the Council shall be sent, together with the agenda, to the MP and Sleaford's County and District Councillors.

24 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a. **Upon notification by the District Council that a councillor or non-councillors with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to be taken against him. Such action excludes disqualification or suspension from office.**
- b. Where the notification relates to a complaint made by the Proper Officer concerning a Councillor, the Chair, Vice-Chair as appropriate shall assume the duties of the Proper Officer set out in the remainder of this Standing Order.
- 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
- e. Council shall have the power to:
 - establish a Panel comprising the Chair [unless the Chair is the subject of the alleged breach in which case the Vice-Chair shall preside] and two other Councillors to consider the alleged breach and to make recommendations to Council;
 - seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - seek and share information relevant to the complaint;
 - 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 Council;

- References in this Standing Order 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.

25 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 Council resolution in relation to any specific item of business.
- b. A motion to add to or vary or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed by a special written motion bearing the names of at least two Councillors.

26 GENERAL POWERS OF COMPETENCE

- a. Before exercising the power of general competence Council must resolve that it meets the statutory criteria, and that resolution has to be renewed at the annual meeting of the Council that takes place in a year of ordinary elections.
- b. After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purpose of completing any activity undertaken in the exercise of the power which was not completed before the expiry of the Council's preceding period of competence.

27 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 their declaration of acceptance of office.
- b. A Councillor's failure to observe Standing Orders may result in them being excluded from the meeting.

28 MATTERS THAT MUST BE RESOLVED ONLY BY COUNCIL

These are:

- a. Agreeing a budget;
- b. Precepting a rate;
- c. Borrowing money;
- d. Approving the end of year Accounts and approving submission of the Annual Return to the External Auditors;
- e. Incurring capital or revenue expenditure which is over and above the Council's approved budget;
- f. Adopting, amending or revoking Standing Orders, Financial Regulations or Duties and Powers and Proper Officer provisions;
- g. Fixing the number of and the names and number of Councillors appointed to them;
- h. Agreeing the dates of meetings of the Council;
- i. Filling of Councillor vacancies occurring on any Panel or Council [if required to do so by law];
- j. Making, amending or revoking bye-laws;

- k. Making of Orders under any statutory powers;
- l. Important matters of principle or policy which have been referred directly by the Proper Officer;
- m. Prosecution or defence in a court of law;
- n. All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Clerk/RFO;
- o. Annually review and propose changes to the Council's Constitution, policies and Strategic Plan.
- p. Acquiring land and other significant assets and commission of services.

29 PREVIOUS RESOLUTIONS

A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing orders.

When a motion moved pursuant to standing orders no similar motion may be moved within a further six months.