

# Sleaford Town Council

## CONSTITUTION Chapter 3 Standing Orders



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(Note: Any Standing Order in **Bold** type is enshrined by Statute and cannot be amended)

Sleaford Town Council is a Corporate Body and as such is a legal entity separate from that of its Councillors. Council decisions are, however, the responsibility of the whole Council.

Other than where indicated ALL Councillors are considered as equals for the purposes of these Standing Orders.

All references in this document are intended to be gender neutral. Any gender specific references (**in bold type**) are terms set out in law and cannot be altered.

### **Discriminatory Language Statement**

Sleaford Town Council are aware of their responsibility to avoid discriminatory language, and are committed to treat everyone with courtesy. Councillors are instructed, to avoid using language that may even appear to be discriminatory, or that gratuitously give offence in any verbal or written communication. Therefore, we endeavour to ensure all published documentation is written 'gender neutral' wherever possible.

## 1. Meetings of the Council

- (a) All Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct;
- (b) The Town Clerk or designated Officer will service Council Meetings;
- (c) **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.** Wherever possible, meeting venues shall enable disabled people to participate fully in meetings;
- (d) **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 of a bank holiday or a day appointed for public thanksgiving or mourning;**
- (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;** (e.g. staffing matters, third party confidentiality clause, financial contract matters)
- (f) Councillors are expected to attend Council Meetings;
- (g) Apologies for absence with valid reasons should be submitted (either oral or written) to the Town Clerk prior to the commencement of any meeting of the Town Council, including Panel Meetings;
- (h) If, prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given;
- (i) Subject to Standing Orders, members of the public are permitted to make representation, answer questions, and give evidence in respect of any item of business included in the agenda. Meetings can be suspended by resolution to involve the public at any time;
- (j) The period of time designated for public participation at a meeting in accordance with Standing Orders shall not exceed fifteen (15) minutes unless directed by the Chairperson of the meeting;
- (k) Subject to Standing Orders, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three (3) minutes;

- (l) In accordance with Standing Orders, questions shall not require a response at the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given;
- (m) A record of a public participation session at a meeting shall be included in the minutes of that meeting;
- (n) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairperson shall direct the order of speaking;
- (o) No meeting of the Town Council (including Panel Meetings) shall exceed three (3) hours;
- (p) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present;**
- (q) 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;
- (r) **Subject to Standing Orders which indicate otherwise, anything authorised or requested to be done by, to or before the Chairperson may in their absence be done by, to or before the Vice-Chairperson [if any];**
- (s) **The Chairperson, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting;**
- (t) **Subject to a meeting being quorate, (see v below) all questions at a meeting shall be decided by a majority of the Councillor or Councillors with voting rights present and voting;**
- (u) **The Chairperson of a meeting may give an original vote on any matter put to the vote, and in the case of any equality of votes may exercise their casting vote whether or not they gave an original vote;**
- (v) **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 moving to the next item of business on the agenda;
- (w) **If a Councillor so requires, the Town Clerk shall record the names of the Councillors who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business;**
- (x) **A Councillor or (non-Councillor) with voting rights, who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct**

**in a matter being considered at a meeting, is subject to statutory limitations or restrictions under the Code on their right to participate and vote on the matter.** (See Standing Order No. 10 for voting on appointments) NB: Sleaford Town Council does not at this current time have any non-Councillors with voting rights.

- (y) The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting;
- (z) 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;
- (aa) **No business may be transacted at a meeting unless at least one third six (6 Councillors) of the whole number of Councillors of the Council are present and in no case shall the quorum of a meeting be less than three;**
- (bb) **If a meeting is or becomes inquorate, no business shall be transacted** and the meeting shall be adjourned. The business on the agenda for the meeting shall be adjourned to another meeting;

## **2. Statutory Annual Meeting**

- (a) The Chairperson and Vice-Chairperson of the Council will be the Mayor and Deputy Mayor respectively;
- (b) Apologies for absence with valid reasons should be submitted (either oral or written) to the Town Clerk prior to the commencement to the Statutory Annual Meeting of any meeting of the Town Council, including Panel Meetings;
- (c) If, prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given;
- (d) A summary record of public participation at meetings shall be included in the minutes of the meeting;
- (e) **In an election year, the annual meeting of the Council shall be held within 14 days following the day on which the new Councillors elected take office;**
- (f) **In a year which is not an election year, the annual meeting of a Council shall be held on such a day in May as the Council may direct;**
- (g) **The annual meeting of the Council shall take place at 7pm;**
- (h) **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;**

- (i) **The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson (if any) of the Council;**
- (j) **The Chairperson 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;**
- (k) **The Vice-Chairperson of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council;**
- (l) **In an election year, if the current Chairperson of the Council has not been re-elected as a Councillor of the Council, they shall preside at the meeting until a new successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of an equality of votes;**
- (m) **In an election year, if the current Chairperson of the Council has been re-elected as a Councillor of the Council, they shall preside at the meeting until a new Chairperson of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of an equality vote;**
- (n) Following the election of the Chairperson of the Council and Vice-Chairperson 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 the Chairperson of the Council and Councillors of their declaration of acceptance of office form, unless the Council resolves for this to be done at a later date;**
  - II. **In a year which is not an election year, delivery by the Chairperson of the Council of their acceptance of office form, unless the Council resolves for this to be done at a later date;**

At the Annual Meeting, it is also best practice to:-

- I. Confirm the accuracy of the minutes of the last meeting of the Council;
- II. Review of delegation of arrangements to Panels, Staff and other Local Authorities;
- III. Appointments to any existing or new Panels, confirmation of Terms of Reference;
- IV. Appointments to Town Clerk's Management Team, confirmation of Terms of Reference;
- V. Review and adoption of appropriate Standing Orders and Financial Regulations;
- VI. Review of arrangements, including charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- VII. Review of representation on or work with external bodies and arrangement for reporting back;

- VIII. In an election year, make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- IX. Review of inventory of land and assets including building and office equipment;
- X. Confirmation of arrangements for insurance cover in respect of all insured risks;
- XI. Review of the Council's and/or staff subscriptions to other bodies;
- XII. Review of the Council's complaints procedure;
- XIII. Review of the Council's procedure for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- XIV. Review of the Council's Policy for dealing with the press/media; and
- XV. Agree the time and place of the ordinary meeting of the Council up to and including the next annual meeting of Council.

### **3. Extraordinary Meetings**

- (a) **The Chairperson of the Council may convene an extraordinary meeting of the Council at any time;**
- (b) Any business pertaining to an extraordinary meeting of the Council must be of relevance and within the remit of the Council;
- (c) **If the Chairperson of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such meeting must be signed by the two Councillors.**

### **4. Chairperson**

- (a) The Chairperson is elected by the Councillors of the Council at the Annual Council Meeting and serves for twelve months (Section 14 (1) of the Local Government Act 1972);
- (b) **The Chairperson, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and Vice-Chairperson are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting. The person at a meeting may exercise all the power and duties of the Chairperson in relation to the conduct of the meeting;**
- (c) **The Chairperson 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;**
- (d) **The Vice-Chairperson of the Council, if any, unless they have resigned or become disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council;**
- (e) The Chairperson's main role is to run the Council meetings. The Chairperson is responsible for ensuring that effective and lawful decisions are taken at meetings



of the Council and, assisted by the Town Clerk, guides activities by managing the meetings of the Council. The Chairperson is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point. The Chairperson 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;

- (f) **The Chairperson of a meeting may give an original vote on any matter put to the vote, and in the case of any equality of votes may exercise their casting vote whether or not they gave an original vote;**
- (g) The Chairperson will also act as the Town Council's Mayor. As the Mayor, the Chairperson will often be the public face of the Council and will represent the Council at official events. The Chairperson 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;
- (h) The Chairperson cannot legally make a decision on behalf of the Council;
- (i) In summary the Chairperson of the Town Council has no more powers or duties than any other Councillor except to work with the Town Clerk to set the Council Agenda, Chair the Council in a fair and effective way, only use a casting vote when needed and to act as the Mayor, as the public face of the Council at official events. All Councillors are considered equal for the purpose of these Standing Orders;
- (j) The Vice-Chairperson's responsibilities are solely to deputise for the Chairperson and the Mayor if they are not available.

## **5. Town Clerk (Proper Officer)**

- (a) The Town Clerk shall:
  - i. At least three (3) clear days before a meeting of the Council, serve on Councillors a summons, by e-mail, confirming the time, place and the agenda provided any such e-mail contains the electronic signature and title of the Town Clerk; (paper copies must be provided on request)
  - ii. **Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);** Note: STC has replaced committees with Panels.
  - iii. Subject to Standing Orders, include on the agenda all motions in the order received unless a Councillor has given written notice at least five (5) days before the meeting confirming their withdrawal of it;
  - iv. **Convene a meeting of Full Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in their office;**
  - v. Retain handwritten notes of all Council meetings until official notes are duly signed (produced as published minutes);
  - vi. Facilitate inspection of the minutes and audio recordings by local government electors;

- vii. **Receive and retain copies of bylaws made by other local authorities;**
- viii. Retain acceptance of office forms from Councillors;
- ix. Retain a copy of every Councillor's register of interests;
- x. Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1988, in accordance with and subject to the Council's policies and procedures relating to the same;
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xii. Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xiii. Arrange for legal deeds to be executed;
- xiv. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xv. Subject to Standing Orders, consider dispensation requests before the meeting or at the start of the meeting for which the dispensation is required;
- xvi. Record every planning application notified to the Council and the Council's response to the local Planning Authority;
- xvii. To advise the Council on planning applications for no comment subject to a Councillor requesting a discussion;
- xviii. To undertake appropriate advice on the planning process, and best practice in dealing with planning applications, in accordance with any budget set by Council;
- xix. To respond to any consultation documents relating to strategic and national planning policies as directed by the Council;
- xx. 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;
- xxi. 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 Town Clerk as they are entitled to do under S.101 of the Local Government Act 1972;
- xxii. To engage with any interested parties in the planning process and report to Council as required;
- xxiii. Manage access to information about the Council via the publication scheme;
- xxiv. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect;
- xxv. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders;
- xxvi. Implement decisions of the Council via delegate authority and have overall managerial responsibility for service delivery;
- xxvii. Have managerial responsibility including recruitment, absence management, performance management, training, disciplinary and grievances. Alterations to the corporate staff structure and changes to staff grading shall remain Council responsibility.

## 6. Minutes

- (a) Apologies for absence with valid reasons should be submitted (either oral or written) to the Town Clerk prior to the commencement of the meeting of the Town Council, including Panel Meetings;
- (b) The Minutes of a meeting shall include an accurate record of the following:
  - i. The time and place of the meeting;
  - ii. The names of Councillors present and absent;
  - iii. Interests that have been declared by Councillors with voting rights;
  - iv. Whether a Councillor left the meeting when matters that they held interests in were being considered;
  - v. If there was a public participation session;
  - vi. The resolutions made and the details of any recorded votes.

## 7. Draft Minutes

- (a) If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read;
- (b) There shall be no discussion about draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be moved in accordance with Standing Orders;
- (c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate;
- (d) If the Chairperson 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 Chairperson of this meeting does not believe that the minutes of the meeting of the Sleaford Town Council held on [date] in respect (*insert Agenda Item*) were a correct record by their view, was not upheld by the meeting 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, the draft minutes of the meeting for which approved minutes exist shall be destroyed;

## 8. Quorum of the Council

- (a) Six (6) Councillors shall constitute a quorum at meetings of Council.
- (b) **If a quorum is not present when the Council meets or if during the meeting the number of Councillors present and not debarred by reasons of a declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or such other day as the Chairperson may fix.**

## 9. Voting

- (a) Councillors *shall vote by show of hands* or in *a clear and demonstrative manner* or if it is proposed, seconded and resolved, by signed ballot; all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon. Unless having declared an interest or abstaining on any proposal at a Council meeting all Councillors are expected vote. Any Councillor who does not vote will be classed as abstaining.
- (b) **If a Councillor so requires, the Town Clerk shall record names of the Councillor(s) who voted on any questions so as to show whether they voted for or against it. Such a request must be made before moving on to the next business;**
- (c) **Subject to Standing Orders, the Chairperson may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote whether or not they gave an original vote;**
- (d) **In an election year, if the current Chairperson of the Council has not been re-elected as a Councillor of the Council, they shall preside at the meeting until a new successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but must give a casting vote in the case of an equality of votes;**
- (e) **In an election year, if the current Chairperson of the Council has been re-elected as a Councillor of the Council, they shall preside at the meeting until a new Chairperson of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of any equality votes.**

## 10. Voting on Appointments

- (a) Where more than two persons have been nominated for, (or in the case of Co-option applied for) a position to be filled by the Council and none of those persons has received an absolute majority of vote (50% + 1 of those eligible to vote) 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 Chairperson's casting vote;

## 11. Motions for a Meeting that require written notice to be given to The Town Clerk

- (a) A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents;

- (b) No motion may be moved at a meeting unless it is on the agenda (this includes written recommendations from the Town Clerk which Councillors must turn into proposals if so required) and the mover together with a seconder has given written notice of its wording to the Town Clerk at least five (5) clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- (c) The Town Clerk may, before including a motion on the agenda, correct obvious grammatical or typographical errors in the wording of the motion;
- (d) If the Town Clerk considers the wording of a motion received in accordance with Standing Orders is not clear in the meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Town Clerk so that it can be understood;
- (e) If the wording or subject of a proposed motion is considered improper, the Town Clerk shall consult with the Chairperson of the forthcoming meeting or, as the case may be, the Councillors who have made the proposal, to consider whether the motion shall be included in the agenda or rejected;
- (f) The decision of the Town Clerk as to whether or not to include the motion on the agenda shall be final.

## **12. Motions at a Meeting that do not require written notice**

The following motions may be moved at a meeting without written notice to the Town Clerk:

- (a) To approve the absence of Councillors;
- (b) To correct an inaccuracy in the draft minutes of the previous meeting;
- (c) To move a vote;
- (d) To defer consideration of a motion;
- (e) To refer a motion to a particular Panel;
- (f) To appoint a person to preside at a meeting;
- (g) To change the order of business on the agenda;
- (h) To proceed to the next business of the agenda;
- (i) To require a written report;
- (j) To appoint or disband a Panel and their Councillors;
- (k) To extend the time limits for speaking;
- (l) To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- (m) To hear further from a Councillor or a member of the public;
- (n) To exclude a Councillor or a member of the public for disorderly conduct;
- (o) To temporarily suspend the meeting;
- (p) To suspend a particular Standing Order (unless it reflects mandatory statutory requirement);
- (q) To appoint a small group of Councillors to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant, or to represent the Council for a specific limited tasks;

- (r) To authorise legal deeds to be signed or sealed using the Council's common seal by the Town Clerk and witnessed by two Councillors;
- (s) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- (t) To give the consent of the Council if such consent is required by Standing Orders;
- (u) To consider a motion of no confidence in the Chairperson of the meeting;
- (v) To consider a motion of no confidence in a Councillor only when that Councillor is present;
- (w) To consider a motion relating to conduct and behaviour of a Councillor;
- (x) To appoint representatives to Outside Bodies and to make arrangements for those representatives to report back the activities of Outside Bodies;
- (y) To adjourn and/or close the meeting;

### **13. Rules of debate at a Meeting**

- (a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairperson of the meeting or by Council agreement;
- (b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- (c) A motion on the agenda that is not moved by its proposer shall be treated by the Chairperson of the meeting as withdrawn;
- (d) If a motion (including an amendment) has been seconded, it shall be withdrawn by the proposer only with the consent of the seconder and the meeting;
- (e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion;
- (f) If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved;
- (g) A Councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting;
- (h) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson;
- (i) Subject to Standing Orders, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting;
- (j) One or more amendment may be discussed together if the Chairperson of the meeting considers this expedient, but each amendment shall be voted upon separately;

- (k) A Councillor may not move more than one amendment to an original or substantive motion;
- (l) The mover of an amendment has no right of reply at the end of debate on it;
- (m) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote;
- (n) Unless permitted by the Chairperson 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 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.
- (o) During the debate of a motion, a Councillor may interrupt on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by;
- (p) A point of order shall be decided by the Chairperson of the meeting and their decision shall be final;
- (q) 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 no longer heard or 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; or
  - ix. To suspend particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- (r) Before an original or substantive motion is put to the vote, the Chairperson 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;
- (s) Excluding motions moved under Standing Orders, the contribution or speeches by a Councillor shall relate only to the motion under discussion and shall normally be up to 3 minutes.

#### **14. Disorderly Conduct at a Meeting**

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairperson of the meeting shall, request such person(s) to moderate or improve their conduct;
- (b) If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any Councillor or the Chairperson of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded shall be put to the vote without discussion;
- (c) If a resolution made under Standing Orders is ignored, the Chairperson of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting;
- (d) No Councillor at a meeting will persistently disregard the ruling of the Chairperson, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute**;
  - i. If, in the opinion, of the Chairperson and following a majority vote of the Councillors present, a Councillor or Member of the Public has not complied to a request under Standing Orders, the Chairperson shall instruct that the person will no longer be heard, and the meeting be temporarily suspended until the person has left the meeting.
- (e) If the motion mentioned is disobeyed, the Chairperson may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### **15. Right of Reply**

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

#### **16. Code of Conduct at Meetings regarding Interests and Dispensations**

(Examples of Disclosable Pecuniary Interests:- Employment, Contracts, Sponsorship, and interest in Land)

All Councillors shall observe the Code of Conduct adopted by Council:

- (a) Unless they have been granted a dispensation, a Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a Disclosable Pecuniary Interest. They may return to the meeting after it has considered the matter in which they had an interest;



- (b) Unless they have been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which they have another interest, if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they have had the interest;
- (c) **Dispensation requests shall be in writing and submitted to the Town Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required;
- (d) A decision as to whether to grant a dispensation shall be made by the meeting of the Council, for which the dispensation is required, and that decision is final;
- (e) A dispensation request shall confirm:
  - i. The description and nature of the Disclosable Pecuniary Interest or other interest 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.
- (f) Subject to Standing Orders, a dispensation request shall be considered at the beginning of the meeting of the Council for which the dispensation is required;
- (g) **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.**

## 17. Previous Resolutions

- (a) A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 50% plus 1 of all Councillors to be given to the Town Clerk in accordance with Standing Orders;
- (b) When a motion moved pursuant to Standing Orders has been disposed of, no similar motion may be moved within a further six months, except where (a) above applies;

## 18. Handling Confidential or Sensitive Information

- (a) The agenda papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest;
- (b) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest. eg. contracts, personal matters;
- (c) 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 press and public shall be excluded using power to exclude the press and public in accordance with the Public Bodies (Admission to Meetings) Act 1960 due to any confidential nature of the business to be discussed;
- (d) Any Councillor in breach of the provision of this Standing Order shall be suspended from the Council by resolution of the Council.

## 19. Execution and Sealing of Legal Deeds

- (a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution;
- (b) **Subject to Standing Orders, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Town Clerk in the presence of two Councillors, who shall sign the deed as witnesses.**

## 20. 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, timescales 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 councillors except for the HR Panel, which has five Councillors. All Councillors are expected to serve on at least one Panel;
- (f) A quorum relating to a panel should be four (4) Councillors but three (3) for the HR Panel
- (g) 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;
- (h) The Council may dissolve a Panel at any meeting;
- (i) Members of the public can attend Panel Meetings, other than the HR Panel. Panel Meeting Agendas will be made available on the Council's website.

## 21. Financial Controls and Procurement

- (a) The Town Council shall consider and approve financial regulations drawn up by the Town Clerk, which shall include detailed arrangements in respect of the following:
- i. The keeping of accounting records and systems of internal controls;
  - 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 account and/or orders of payments;
  - v. Procurement policies including the setting of values for different procedures where a contract has been estimated value of less than [£60,000].
- (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 [£60,000] shall be procured on the basis of a formal tender as summarised in Standing Orders;**
- (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 for the goods, materials, services or the execution of works shall be drawn up;
  - ii. An invitation to tender shall draw up to confirm (i) to 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 a local newspaper and in any other manner that is appropriate;
  - iv. Tenders are to be submitted in writing in a sealed marked envelope addressed to the Town Clerk;
  - v. Tenders shall be opened by the Town Clerk in the presence of at least one Councillor after the deadline for submission of tenders has passed;
  - vi. Tenders are to be reported to and considered by the appropriate meeting of the Council.
- (e) The Council is not bound to accept the lowest value tender;
- (f) **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as**

**amended) and the Utilities Contracts Regulations 2006 (SI No. 6 as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## **22. 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 Town Clerk shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December 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 reported

And 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 Town Clerk shall provide:
  - i. The Council with a statement summarising the Council’s income and expenditure for the last quarter and the year to date for information; and
  - ii. To Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability 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 income and expenditure for a year to 31 March. A completed draft annual return shall be presented to Council before the end of the following month of May. 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 before 30 June.

## **23. Annual Budget and Precept**

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

## **24. Expenditure**

- (a) **Orders for payment of money shall be authorised by resolution of the Council;**
- (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 Panel or to the Town Clerk.**

## **25. Canvassing of and recommendations by Councillors**

Canvassing of Councillors, directly or indirectly, for any appointment by the Council shall disqualify the candidate from any appointment. The Town Clerk shall make every candidate aware of this.

## **26. Inspection of Documents**

(Please note that confidentiality requirements may apply in some circumstances)

- (a) A Councillor may for the purpose of their duty as such (but not otherwise), inspect any documentation in possession of the Council, on request, but supplied for the like purpose with a copy;
- (b) **All minutes and audio/visual recordings kept by the Council shall be open for the inspection of any Councillor of the Council;**
- (c) All minutes and audio/visual recording by the Panels shall be open for the inspection of any member of the public.

## **27. Unauthorised Activities**

- (a) No Councillor of the Council, unless authorised by a resolution of the Council shall, in the name or on behalf of the Council;
  - i. Inspect any land and/or premises which the Council has a right or duty to inspect; or issue orders, instructions, or directions.

## **28. Admission of the Public and Press at Meetings**

- (a) **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;**
- (b) **The recording of Council Meetings is permitted under the Openness of Local Government Bodies regulations 2014 but the recordings will be carried out in accordance with the separate Recording of Meetings Policy (as adopted) by Sleaford Town Council to effectively and lawfully manage this activity;**
- (c) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present;**
- (d) If a member of the public interrupts proceedings at any meeting, the Chairperson 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;

- (e) Members of the public may speak and make representation to the Council in accordance with the procedure adopted by the Council for the public speaking at meetings.

## **29. 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.

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

All 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 Data Protection Act 2018.

## **31. Data Protection and GDPR**

Following changes to data protection legislation introduced in May 2018 by the General Data Protection Regulations (GDPR) the Council is required to produce and approve a GDPR Policy and related processes. This Policy will be reviewed as required by the Legislation.

## **32. Relations with the Press/Media**

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or the media;
- (b) In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media, without agreement from the Town Clerk. However, they may comment in a personal capacity.
- (c) In accordance with the Council's Publicity and Events in the Pre-Election Period Guidance Policy (Purdah), Councillors shall adhere to this guidance during the qualifying election period.

## **33. Code of Conduct regarding Complaints**

- (a) **Upon notification by the District Council that it is dealing with a complaint that a Councillor has breached the Council's Code of Conduct, the Town Clerk shall, subject to Standing Orders report this to the Council;**
- (b) Where the notification in Standing Orders relates to a complaint made against the Town Clerk, the Town Clerk shall notify the Chairperson of the Council this fact. The Chairperson shall nominate another staff member to assume the duties of the Town Clerk in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Orders;

- (c) **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 them. Such action excludes disqualification or suspension from office;**
- (d) The Council; may:
- i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - iii. Establish a Panel comprising of 3 Councillors to consider the alleged breach and to make recommendations to Council;
  - iv. Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - v. Seek and share information relevant to the complaint;
  - vi. 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;
  - vii. 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;
  - viii. The subject matter of notification shall be confidential.

#### **34. General Power of Competence**

- (a) Before exercising the power of general competence, the 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.

#### **35. Standing Orders General**

- (a) The Town Clerk shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their Acceptance of Office form.
- (b) The decision of the Chairperson at a meeting as to the application of Standing Orders at the meeting shall be final.

#### **36. Suspension of Standing Orders**

- (a) 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.

#### **37. 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 Town Clerk provisions;
- (g) Fixing the number of and the names of Councillors appointed to Panels;
- (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) Proposing, amending, or revoking bye-laws in conjunction with NKDC;
- (k) Making of Order under any statutory powers;
- (l) Important matter of principle or policy which have been referred directly by the Town Clerk;
- (m) Prosecution of defence in a court of law;
- (n) All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk;
- (o) Annually review and propose changes to the Council's Constitution, Policies and Strategic Plan;
- (p) Acquiring and disposing land other significant assets and commission of services.