



# **STANDING ORDERS**

of the

# **WATCHET TOWN COUNCIL**

**ADOPTED BY WATCHET TOWN COUNCIL ON 5 FEBRUARY  
2013 with amendments approved on 8 September 2014 and  
10 July 2017**

Standing Orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings.

# 1 Meetings

\* He/him can be read as she/her as appropriate

\* Proper Officer read as Clerk

**Mandatory for full Council Meetings** ●

**Mandatory for Committee Meetings** ●

**Mandatory for sub-Committee Meetings** ●

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- ● b **When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, or of a Bank Holiday or a day appointed for public thanksgiving or mourning shall not count.**
- ● c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by resolution which shall give reasons for the public's exclusions.**
- d A notice period of 24 hours for the public participation section in the Town Council or Committee meetings must be given via the Clerk
- e Subject to Standing Order 1(c) above, members of the public are permitted to make representation, or ask a question of Council.
- f The period of time which is designated for Public Participation in accordance with Standing Order 1(e) above shall not exceed 15 minutes.

- g Subject to Standing Order 1(e) above, each member of the public is entitled to speak once only in respect of any business they wish to raise on the agenda or not on the agenda and shall not speak for more than 3 minutes.
- h In accordance with Standing Order 1(g) above, a question asked by a member of the public participation session at a meeting shall not require a response or debate.
- i In accordance with Standing Order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response in the meeting only if appropriate or to the clerk for a written response.
- j A person shall raise his hand when requesting to speak and may remain seated
- k Any person speaking at a meeting shall address their comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- ● **m That a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:**
  - a) **Film, photograph or make an audio recording of a meeting:**
  - b) **Use any other means for enabling persons not present to see or hear proceedings at meeting as it takes place or later;**
  - c) **Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting**
- ● **n In accordance with Standing Order 1(c) above, 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.**
- **o Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his absence be done by, to or before the Vice Chair (if any).**

- p **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 a meeting shall preside at the meeting.**
- ● ● q **Subject to Standing Order 1(y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- ● ● r **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 his casting vote whether or not he gave an original vote.**
- s **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. Such a request shall be made before moving on to the next item of business on the agenda.**
- ● ● t **The Minutes of a meeting shall record the names of Councillors present and absent.**
  - u If prior to a meeting, a Councillor has submitted reasons for his 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 is given.
- ● ● v **The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- ● ● w **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.**
- x **No business may be transacted at a Council 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 3. This rule also applies to Committee meetings.**
- ● ● y **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.

- ● ● z **Meetings of the Council, normally to be held on the second Monday of every month (excluding Bank Holidays) at 7.00pm. Extraordinary meetings will be held as required. All Committee meetings will be held monthly unless agreed otherwise by the Committee. All meetings shall not exceed a period of 3 hours.**

## **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 Council meeting shall be held on such day in May as the Council may direct.
- c** If no other time is fixed, the Annual Council meeting shall take place at 7.00pm.
- d** In addition to the Annual Council meeting, 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 Chairman of the Council shall be the first business completed at the Annual Council meeting.
- f** The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in Office and preside at the Annual Council meeting.
- g** The Vice Chair of the Council, if any, unless he resigns or becomes disqualified, shall hold Office until immediately after the election of the Chair of Council at the next Annual Council meeting.
- h** In an election year, if the current Chair of the Council has not be re-elected as a member of the Council, he shall preside at the meeting until the successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect 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, he shall preside at the meeting until a new Chair of the Council has been elected. He 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      Order of Business**

At every meeting other than the Annual Council Meeting the first business shall be to appoint a person to preside if the Chair and the Vice Chair are absent.

After the first business has been completed at meetings other than the Annual Council Meeting, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:

- (a) To receive apologies for absence, and to take a resolution to approve the reasons given
- (b) Special presentations. (The timing of such presentations shall be agreed between the Chair and the presenter before the meeting).
- (c) To approve and adopt the minutes as a correct record in accordance with Standing Order 17.
- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive such communications as the person presiding may wish to lay before the Council.
- (f) To receive reports from Principal Authority Members present (to include County and District Councillors).
- (g) To receive reports and minutes of Committees.
- (h) To receive reports from Members representing the Council on outside bodies.
- (i) To receive and consider reports from Officers of the Council.
- (j) To receive accounts for payment – see Standing Order 26(c) and (d).
- (k) Matters of correspondence.
- (l) To consider resolutions and recommendations in the order that they have been notified to the Clerk.
- (m) Matters of report for the next meeting.

# **3                      Annual Council Meetings**

## **Order of Business**

At each Annual Council Meeting the first business shall be:

- (a) To elect a Chair.

- (b) To receive the Chair's declaration of acceptance of office, or, if not received, to decide when it shall be received.
- (c) In the ordinary Council, to make arrangements to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- (d) To decide when any declarations of acceptance of office, which have not been received, as provided by law, shall be received.
- (e) To elect a Vice Chair.
- (f) To appoint Committees and to review the terms of reference.
- (g) To appoint Representatives to Outside Bodies.
- (h) To consider the payment, if any, of any subscriptions falling to be paid annually.
- (i) To inspect any deeds and trust instruments, if any, in the custody of the Council, or to receive a report from the Proper Officer that this has been done, or that there are none.
- (j) The Chair shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as Chair.

## 4 Extraordinary Meetings

See also Standing Order 1z 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 requested by to do so by two members of the Committee (or sub-Committees), any two Councillors may convene an Extraordinary meeting of a Committee (or Sub-Committee). The statutory public notice giving the time, venue and

agenda showing the business to be transacted must be signed by those Councillors.

## 5 Proper Officer

- a The Council's Proper Officer is the Clerk and when absent, another member of staff appointed by the Council, shall undertake their work
- b The Council's Proper Officer shall do the following:

- i. **Sign and serve on Councillors by delivery or post at their residences a summons confirming 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.**

**There is also the option of:**

**Upon the Council having first resolved that service of summons on Councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at 3 clear days before a meeting is not expedient, electronically serve on Councillors a summons confirming time, date, venue and the agenda of a meeting of the Council and a meeting of a Committee and a sub-Committee at least 3 clear days before the meeting provided as such email contains the electronic signature and title of the Proper Officer.**

- 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 (providing that the public notice with agenda of an Extraordinary meeting of the Council convened by Councillors is signed by them.**
- iii. Subject to Standing Orders 6(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 his 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 his office, in accordance with Standing Order 5(b)ii above.**

- v. Make available for inspection the minutes of meetings.
- vi. **Receive and retain copies of existing byelaws and Dog Control Orders made by this Council and other local authorities.**
- vii. Receive and retain declaration of acceptance of office from Councillors.
- viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings.
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority electronically for such purpose.
- xv. Retain custody of the seal of Council (if any) which shall not be used without a resolution to that effect.
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

## **6 Motions requiring written notice to be given to the Proper Officer**

- a In accordance with Standing Order 5(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 6 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 6(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with Standing Order 6(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 6 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chair or Councillors pursuant to Standing Order 6(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Every motion received 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.

## **7 Motions not requiring written notice**

- a Motions in respect of the following matter may be moved without written notice to the Proper Officer:

- 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 for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a Committee or to a sub-Committee or an employee.
- x. To appoint a Committee or sub-Committee or any Councillors (including substitutes) thereto.
- xi. To receive nominations to a Committee or sub-Committee.
- xii. To dissolve a Committee or sub-Committee.
- xiii. To note the minutes of a meeting of a Committee or sub-Committee or an employee.
- xiv. To consider a report and/or recommendations made by a Committee or a sub-Committee or an employee.
- xv. To consider a report and/or recommendations an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds, signed by two Councillors and witnessed. (see Standing Order 20(a) below).
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.

- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxi. To give the consent of the Council if such consent is required by Standing orders.
  - xxii. **To suspend any Standing Order except those which are mandatory by law.**
  - xxiii. To adjourn the meeting.
  - xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxv. To answer questions from Councillors.
- b If a motion falls within the terms of reference of a Committee or sub-Committee or within the delegated powers conferred on an employee, a referral of the same may be made to such Committee or sub-Committee or employee provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 8 Rules of Debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's discretion for reason of expedience.
- b Subject to Standing Orders 6(a)-(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to Standing Order 5(b)iii above, a motion included in an agenda not moved by the Councillor who tabled it may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment shall, if required by the Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.

- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
  - i. to leave out words.
  - ii. to add words.
  - iii. to leave out words and add other words.
  - iv. to move to the vote.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 8(h) above, one or more amendments may be discussed together if the Chair considered this expedient but shall be voted upon separately.
- j Pursuant to Standing Order 8(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- l If an amendment is carried, it shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- o Subject to Standing Orders 8(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point shall identify the Standing Order which he considers has been breached or specify the irregularity in the meeting that he is concerned by.
- q A point of order shall be decided by the Chair and his/her decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to Standing Order 8(o) above, when a Councillor's motion is under debate no other motion shall be moved except:
  - i. To amend a 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 Committee or sub-Committee for consideration,
  - vii. To exclude press and public,
  - viii. To adjourn the meeting,
  - ix. To suspend a Standing Order, except those which are mandatory.
- t In respect of Standing Order 8(s)iv above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive his right to reply and shall put the motion to

the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

- u A member shall remain seated when speaking unless their request to stand is agreed by the Chair.

## **9 Code of Conduct**

- a **All Councillors shall observe the Code of Conduct adopted by the Council.**
- b All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.

## **10 Interests**

- 10.1 **If a member has a Disclosable Pecuniary Interest as defined in the Code of Conduct adopted by the Council in any matter to be considered, or being considered at the meeting then the member should declare that interest to the meeting as soon as it becomes apparent, disclosing the existence and nature of that interest as required. The member should withdraw from the room whilst any discussion or vote takes place.**
- 10.2 **If a member has a personal interest (defined in the code as "other" interest) he shall declare the interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. The member may still take part in the discussion and decision on the matter.**
- 10.3 **All members have to provide a record of their interests in a public register of interests. Members must inform the Monitoring Officer in writing within 28 days of taking office, or within 28 days of any change to the member's Register of Interests, of any interests which fall within the categories set out in the Code of Conduct.**

- 10.4** If a dispensation has been granted for a member in relation to a Disclosable Pecuniary Interest then subject to the terms of the dispensation the member may be relieved from the above restriction but will still be required to declare the interest to the meeting.
- 10.5** An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is disclosed by a member at a meeting shall be recorded in the minutes.

## **11 Dispensations**

The power to grant dispensations is delegated to the Proper Officer of the Council, who in each case shall report on the circumstances to the Council and the relevant Committee prior to the item being considered. The provisions to grant a dispensation are that if, having had regard to all relevant circumstances, it is considered that:-

- a) Without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or:
- b) Granting the dispensation is in the interests of the persons living in the Council area, or:
- c) It is otherwise appropriate to grant a dispensation.

Standing Dispensations (i) A dispensation is granted for any member to speak and vote on Watchet Town Council's budget and precept.

## **12 Non-attendance at meetings – 6 month rule**

**A member failing throughout six consecutive meetings of Council, its Committees, sub-Committees or working parties, ceases automatically to be a member of the Council unless a satisfactory excuse exists, or absence is because of a reason approved by the**

**Council before expiry of the period. The period begins from the date of the last attendance.**

## **13 Urgent Business**

**Any decision which is, in the opinion of the Chair of Council or Committee Chair too urgent to await the next appropriate meeting, is significant but cannot wait for calling of a special meeting or the next ordinary meeting, the following procedure may be followed:**

- A clear statement of the decision required, together with relevant background information, shall be circulated in writing to all members of the Council or relevant Committee, seeking their opinion by a specified deadline.
- If, by the specified deadline at least two-thirds of the members of the Council or the relevant Committee have indicated that they would support one particular decision, this may be taken as a reasonable indication of the likely decision to the next appropriate meeting and any necessary action taken accordingly.
- Confirmation of the decision will be sought at the next appropriate meeting.

## **14 Urgent non-controversial decisions**

Any decision which, in the opinion of the Chair of Council or Committee Chair and the Town Clerk, is urgent and of a non- controversial nature may be made by the Town Clerk in consultation with the Chair of Council or Committee Chair provided that all such decisions are reported to the next meeting of the Council or appropriate Committee for confirmation.

## **15 Delegation of Decision**

Where the Council or a Committee is unable to make a decision there and then for whatever reason, it may defer with delegated authority to the Town Clerk in consultation with the Chair or relevant Committee Chair, subject to any criteria which may be agreed.

## **16 Questions**

- a A Councillor may seek an answer to a question concerning any business of the Council provided 6 clear days' notice of the question has been given to the Proper Officer.

## **17 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except on relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 7(a)iv above.
- c Minutes, including any amendments 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 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.

## **18 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 18(a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person is 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 Order 18(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 19 Rescission 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 thereof bears the names of at least 7 Councillors of the Council, or by a motion moved in pursuance of the report or recommendations of a Committee.
- b When a special motion or any other motion moved pursuant to Standing Order 19(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 20 Voting – General and on Appointments

- a Members shall vote by show of hands or, if at least two members request, by signed ballot.
- b If a member so requires the Clerk shall record the names of the members who voted on any questions so as to show whether they voted for or against it. Such a request must be made before moving onto the next business.
- c **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 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.

## 21 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 regularly and at least annually for fitness of purpose.**
- 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.**

## 22 Execution and sealing of legal deeds

*See also Standing Order 7(a)xvi above.*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under Standing Order 22(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.

## 23 Committees

*See also Standing Order 1 above.*

- a The Council may, at its annual meeting, appoint standing Committees and may at any other time appoint such other Committees as may be necessary, and:
  - i. Shall determine their terms of reference,
  - ii. May permit Committees to determine the dates of their meetings,
  - iii. Shall appoint and determine the term of office of Councillor or non-Councillor members of such a Committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting,
  - iv. May appoint substitute Councillors to a Committee whose role is to replace ordinary Councillors at a meeting of a Committee if ordinary Councillors of the Committee have confirmed to the Proper Officer before the meeting that they are unable to attend.
  - v. May in accordance with Standing Orders, dissolve a Committee at any time.

## **24 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 member shall be determined by resolution of the Committee.

## **25 Advisory Committees**

*See also Standing Order 1 above.*

- a The Council may appoint advisory Committees comprised of a number of Councillors and non- Councillors.

## **26**            **Accounts and Financial Statement**

- a        All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
  
- b        The Responsible Financial Officer shall supply to each Committee as soon as practicable after 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December in each year a statement summarising the Council's receipts and payment for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year, and should highlight any actual or potential overspends. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each Councillor as soon as possible after the financial year end by the RFO. The Statement of Accounts of the Council which is subject to external audit, including the annual governance statement, shall be presented to Council for formal approval before 30<sup>th</sup> June. If circumstances dictate the date can be extended with permission from Council and the appointed external auditor.
  
- c        All accounts for payment and claims upon the Council shall be laid before the Council.
  
- d        Orders of payment shall be authorised by resolution of the Council and signed by two members.

## **27**            **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 December of the preceding year.

## **28 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 an 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 an appointment.

## **29 Inspection of documents**

- a Subject to Standing Orders to the contrary or in respect of matter 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 or a Committee or a sub-Committee, and request a copy for the same purpose. The minutes of meetings of the Council, its Committees or sub-Committees shall be available for inspection by Councillors.

## **30 Unauthorised activities**

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

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

## **31 Confidential business**

- a Councillors and staff shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature, which for special reasons would not be in the public interest
- b A Councillor in breach of the provisions of Standing Order 31(a) above may be removed from a Committee or a sub-Committee by a resolution of the Council.

## **32 The General Power of Competence**

- a Before exercising the power to promote 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 32(a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 32(b) above.

# 33

## Matters affecting Council employees

- a. If a matter personal to a member of staff that is being considered by a meeting of Council it is subject to Standing Order 1c and 31. If a matter is being discussed by the Personnel Committee, members of the public have no advance notification or right to attend a meeting of the Personnel Committee.
- b. The Personnel Committee shall upon a resolution conduct a review of the performance and/or appraisal of the Town Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Finance & General Purposes Committee.
- c. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair of Council in the first instance or in his/her absence, the Vice Chair of Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Grievance Committee.
- d. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Chair or Vice Chair of the Council, this shall be communicated to another member of the Grievance Committee which shall be reported back and progressed by resolution of the Committee.
- e. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- f. 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.
- g. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

- h. Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders 33(f) and (g) above if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Order 33(f) and (g) above shall be provided only to the Town Clerk.

## **34 Freedom of Information Act 2000**

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and Data Protection Act 1998 under the control of the Town Clerk.

## **35 Relations with the press/ media/ social media sites**

- a. Refer to the Watchet Town Council's adopted "Office Procedures" policy and the 'Social Media' policy.

## **36 Liaison with District and County Councillors**

- a. An invitation to attend a meeting of the Council shall be sent, together with the minutes of the previous meeting to the Councillors of the District and County Council representing Watchet.

## 37 Financial matters

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. The accounting records and systems of internal control.
  - ii. The assessment and management of financial risks faced by the Council.
  - iii. The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
  - iv. The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments.
  - v. Procurement policies (subject to Standing Order 37(b) below) including the setting of values for different procedures where the contact has an estimated value of less than £20,000.
- b. **Any proposed contact for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£20,000] shall be procured on the basis of a formal tender as summarised in Standing Order 37(c) below.**
- c. Any formal tender process shall comprise the following steps.
  - i. A public notice of intention to place a contract to be placed in a local newspaper.
  - ii. A specification of the goods, materials, services and the execution of works shall be drawn up.
  - iii. The Town Clerk will invite tenders from at least 3 firms to be taken from an appropriate approved list following the public notice.
  - iv. Tenders are to be sent in a sealed marked envelope to the Proper Officer by a stated date and time.
  - v. Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least two members of Council.

- vi. Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d. Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote.
- e. Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Public Contracts Directive from time to time) the Council must consider whether the Public Contracts Regulations 2015 apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **38 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 District Council Monitoring Officer.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of 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 notification shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chair and Vice Chair of Council shall take steps considered necessary to maintain confidentiality).
- e. Reference in Standing Order 38 to a notification shall be taken to refer to a communication of any find which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.

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

## **40                    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 his declaration of acceptance of office.
- 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 him being excluded from the meeting in accordance with Standing Order 18.

**Adopted by Council**

**10 July**

**2017**