

# WELLINGTON TOWN COUNCIL



## Standing Orders and Delegation to Committees

**Adopted 4<sup>th</sup> November 2019**

**Meetings of the Council shall be held at The United Reformed Church, Fore Street, Wellington at 7pm. This being on the first Monday of every month, excluding bank holidays, unless the Council decides otherwise.**

## Notes:

1. Local Government Act 1972 section 270 includes the following definitions and interpretations that are relevant.

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday.

“Easter break” means the periods beginning with the Thursday before and ending with the Tuesday after Easter Day.

2. References within the text referring to ‘him’ are not intended to be gender specific and shall equally refer to any person within the context of the directive.

3. **Standing Orders written in bold may not be suspended as these are statutory in origin.** Any non-statutory Standing Order may be suspended by resolution in the consideration of an item on the agenda for a meeting.

4. The decision of the Mayor at any meeting as to the application of Standing Orders at the meeting shall be final.

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## 1) Meetings Generally

*See also Section 7 Code of Conduct*

- a **Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol or are without access for persons with disabilities, 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 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 a resolution which shall give reasons for the public's exclusion.**
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes.
- f Subject to standing order 1(e) above, 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 3 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Mayor may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A brief summary record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j A person shall stand when requesting to speak and when speaking, except when a person has a disability or is likely to suffer discomfort. The Mayor may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Mayor.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Mayor shall direct the order of speaking.
- m Subject to Standing Order 1n, a person attending a meeting is permitted to 'report' on the meeting whilst it is open to the public. Reporting shall

include filming, photographing or making an audio recording of meeting proceedings, or the use of any other means for enabling persons not present to see or hear the meeting as it takes place or later, or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. (Public Bodies (Admission to Meetings) Act 1960)

- n A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission. (*Public Bodies (Admission to Meetings) Act 1960*)
- o 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.**
- p Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his absence be done by, to or before the Deputy Mayor.**
- q The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- r Subject to the meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- s The Mayor 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. (*See also standing orders 2 (i) and (j)*).**
- t 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 the vote is taken and before moving on to the next item of business on the agenda.**
- u The minutes of a meeting shall record the names of councillors present and absent.**
- v 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 was given.
- w The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- x 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. (*See also standing orders 7 and 8.*)**

**y No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

**z 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.**

Aa Meetings shall not exceed a period of 3 hours.

Ab In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Mayor, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.

## **2) Annual Council Meetings**

*See also standing order 1 above*

**a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**

**b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**

**c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

**d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**

**e The election of the Mayor and Deputy Mayor of the Council shall be the first business conducted at the annual meeting of the Council.** Nominations proposed and seconded and endorsed by the candidate for the offices of Mayor and Deputy Mayor shall be deposited with the clerk at least nine days before the annual statutory meeting and in the absence of any nomination the clerk shall receive the proposals from the members present at such meeting.

**f The Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

**g The Deputy Mayor of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual meeting of the Council.**

- h **In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but shall give a casting vote in the case of an equality of votes.**
  
- i **In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.**
  
- j Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual meeting of the Council, the business shall include:
  - i. **In an election year, delivery by the Mayor, and Councillors of their written declarations of acceptance of office, 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 Mayor of his written declaration of acceptance of office, unless the Council resolves for this to be done at a later date.**
  - iii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iv. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - v. Review of the terms of references for committees.
  - vi. Receipt of nominations to existing committees.
  - vii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
  - viii. Arrangements for the review and adoption of appropriate standing orders and financial regulations.
  - ix. Review of arrangements, including any legal agreements with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - x. Review of representation on or work with external bodies and arrangements for reporting back.
  - xi. In an election year, where eligible to re-adopt the general power of competence, or where not eligible to review arrangements for future eligibility.
  - xii. Make arrangements for the review of inventory of land and assets

including buildings and office equipment.

- xiii. Make arrangements for the review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiv. Make arrangements for the review of the Council's and/or employees' memberships of other bodies.
- xv. Make arrangements for the establishment or review of the Council's complaints procedure.
- xvi. Review of the Council's Employment policies and procedures.
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under Freedom of Information and Data Protection Legislation.
- xviii. Make arrangements for the establishment or review of the Council's policy for dealing with the press/media.
- xix. Review of the Council's expenditure
- xx. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3) Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. **Serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email)'.**
  - ii. **Local Government Act 1972, Sch 12, as amended by The Local Government (Electronic Communications) (England) Order 2015.**
  - iii. **Provide, in a conspicuous place, and with at least 3 clear days before a meeting of the Council, Committee or sub-Committee, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by**

**Councillors is signed by them).**

- iv. *(see standing order 1b for the meaning of clear days for a meeting of the full council)*
- v. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 6 days before the meeting confirming his withdrawal of it.
- vi. **Convene a meeting of full Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) (i) above.**
- vii. **Facilitate inspection of the minute book by local government electors.**
- viii. **Receive and retain copies of byelaws made by other local authorities.**
- ix. **Receive and retain declarations of acceptance of office from councillors.**
- x. **Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.**
- xi. **Keep proper records required before and after meetings.**
- xii. Manage access to information about the Council via its Publication Scheme.
- xiii. **Process all requests made under the Freedom of Information legislation and rights exercisable under Data Protection legislation, and subject to the Council's relevant policies and procedures.**
- xiv. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xv. **Assist in the organization of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation'**
- xvi. Arrange for legal deeds to be executed.
- xvii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

- xviii. Record every planning application notified to the Council and the Council's response to the local planning authority.
- xix. Refer a planning application received by the Council to the Mayor or in his absence the Deputy Mayor of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xx. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xxi. Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.

#### **4) Motions requiring written notice to the Proper Officer**

- a In accordance with standing order 3(b) (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 3 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(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 4(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 3 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 Chairman (Mayor) 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 Mayor or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final. Rejected motions shall be recorded with the reason for rejection by the Proper Officer
- f 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.

## 5) Motions not requiring written notice

- a Motions in respect of the following matters 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, or move to a vote.
  - 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.
  - 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 made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds to be signed by two councillors and witnessed.
  - xvii. To authorise the payment of monies up to (£500).
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xix. To extend the time limit for speeches.
  - xx. To exclude the press and public for all or part of a meeting in respect of confidential or other information which is prejudicial to the public interest .
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. To suspend any standing order except those which are mandatory by law.
  - xxiv. To adjourn the meeting.
  - xxv. To close the meeting.
  - xxvi. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- b If a motion falls within the terms of reference of a committee or sub-

committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Mayor may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6 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 Mayor's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion (including an amendment) shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting'
- e An amendment to an original or substantive motion shall not be considered unless verbal notice has been given after the original or substantive motion has been seconded. Notice of such amendment, shall, if required by the Mayor, be written and handed to the Mayor who shall determine the order in which any amendments are considered, should there be more than one.
- f 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 and the meeting.
- g 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.
- h A proposed or carried amendment to a motion shall not have the effect of negating or rescinding the original or substantive motion under consideration.
- i Subject to Standing Order 6 (i) below only one amendment shall be moved and debated at a time, the order of which shall be directed by the Mayor. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- j Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Mayor considers this expedient but shall be voted upon separately.
- k A Councillor may not move more than one amendment to an original or substantive motion.

- l If an amendment is not carried, other amendments shall be moved in the order directed by the Mayor.
- m If an amendment is carried, the original motion (as amended), shall take the place of the original motion and shall become the substantive motion upon which any further amendment(s) may be moved.
- n The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- o 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.
- p Subject to standing orders 6(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.
- q 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 of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- r A point of order shall be decided by the Mayor and his decision shall be final.
- s 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.
- t Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t Before and original or substantive motion is put to the vote, the Mayor shall first be satisfied that the motion has been sufficiently debated. The Mayor shall call upon the mover of the motion under debate to exercise or waive his right of 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 Closure. At the end of any speech a member may, without comment, move "that the question now be put", "that the debate be now

adjourned” or “that the council do now adjourn”. If such motion is seconded and if the Mayor is of the opinion that the question before the council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion “that the question be now put” is carried he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the council shall not prejudice the mover’s right of reply at the resumption.

## **7 Code of Conduct and Dispensations**

- 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.
- c A Councillor with voting rights who has a disclosable pecuniary or other interest (as set out in the Council’s Code of Conduct) in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on his right to participate and vote on that matter, unless a dispensation has been granted.**
- d Subject to the Council’s Code of Conduct councillors may exercise the rights contained in standing order 7(e) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- e Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber, unless a dispensation has been granted for the duration of the matter.**
- f A request for a dispensation must be in writing and submitted to the Proper Officer as soon as possible before the meeting but failing that, at the start of the meeting for which the dispensation is required**
- g A decision as to whether to grant a dispensation shall be made by a meeting of the Council, Committee or sub-Committee and that decision is final.
- h A dispensation request shall confirm:-
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation 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.
- i Subject to Standing Orders 7(f) and (h) a dispensation request shall be considered before the meeting, or if this is not possible at the start of the meeting for which the dispensation is required.
- j **A dispensation may be granted in accordance with Standing Order 13(g) if, having regard to all relevant circumstances any of the following apply:-**
- 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.**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area**
  - iii. **It is otherwise appropriate to grant a dispensation.**

## 8. Code of Conduct Complaints

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer 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 order 14(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

**9. Disorderly conduct at Meetings.**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is disregarded the Mayor, as Chairman, shall request that such person/s moderate or improve their conduct.
- b If person/s disregard the Mayor's request to moderate or improve their conduct, the Mayor shall express that opinion and thereafter any councillor (including the Mayor) may move that the person be silenced or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is ignored, the Mayor may take such further steps as may reasonably be necessary to restore order so that the meeting may progress. This may include temporarily suspending or closing the meeting, or its adjournment.

**10. Rescission of previous resolutions**

- a A decision (whether affirmative or negative) of the Council shall not be reversed within 6 months save by special resolution, the written notice of which bears the signature of at least 10 councillors of the Council.
- b When a special resolution has been disposed of, no similar resolution may be moved within a further 6 months.

**11. 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 the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5(a)(iii).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph to the same effect:

- f Subject to the publication of draft minutes in accordance with Standing Order 22 (relating to Freedom of Information Legislation) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **12. Voting on Appointments**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of 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 Mayor's casting vote.

## **13. Execution and sealing of legal deeds**

*See also standing order 5(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 and signed by the proper officer in the presence of two members who shall sign the document in witness.

## **14. Committees, Sub-Committees and Working Parties**

*See also standing order 1 above*

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine

the terms of office of members of such a committee;

- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee or a sub-committee.
- e The Council may additionally appoint advisory Working Groups comprised of a number of councillors and non-councillors.
  - f Working parties and any sub-committees may consist wholly of persons who are non-councillors.

## 15. Extraordinary Meetings

- a **The Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor 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, any 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 chairman of a committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the chairman of a committee or sub-committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of a committee or sub-committee, any 2 members of the respective committee or sub-committee may convene an extraordinary meeting of that committee or sub-committee.

## 16. Expenditure, Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**
- d Where it is necessary to make a payment before it has been authorised by the council, such payment shall be certified as to its correctness and urgency by the Finance Committee.
- e The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's financial transactions and to include:-
  - i. A Financial Statement detailing receipts and payments (or income and expenditure) for each quarter.
  - ii. An aggregate of income and expenditure for the year to date
  - iii. Balances held at the end of each quarter.
  - iv. A comparison of actual expenditure against the budget for the financial year, highlighting any potential overspend.
  - v. A summary of the previous financial year's budget and actual expenditure against the budget.
- f A financial statement detailing receipts and payment (or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following May.
- g The Accounting Statements of the Council (which are subject to external audit), including the Annual Governance and Accounting statement, shall be presented Councillors at least 14 days prior to anticipated approval by the Council, and for formal approval before 30 June.
- h The year end accounting statements shall be prepared in accordance with the proper practices and apply the form of accounts determined by the Council.

## 17. Financial Controls and Procurement

- 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 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 accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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:
- vi. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - vii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - viii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - ix. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - x. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - xi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

#### **18. Budgeting for Precept Purposes**

- a Any expenditure to be defrayed out of the precept shall be notified to the clerk in writing by the 21<sup>st</sup> January giving details of expenditure recommended and such estimates shall be submitted to the council at its meeting in February.
- 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.

#### **19. 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 Contracts and Contractors as if the

person making the tender were a candidate for an appointment.

## **20. Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council 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.

## **21. Unauthorised activities**

- a No member of the council or of any committee shall, unless duly authorised in the name of the council
  - i. inspect any lands or premises which the council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions

## **22. Management of Information and Data Protection Legislation**

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e **The Council may appoint a Data Protection Officer.**
- f **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

- g **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- h **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- i **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- j **The Council shall maintain a written record of its processing activities.**

### **23. Responsibilities to Provide Information**

*See also Standing Order 22 (e- j)*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **Having gross annual income or expenditure (whichever is the higher) which exceeds £200,000 the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

### **24. Liaison with District, County or Unitary Councillors**

- a **An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District, County or Unitary Council representing its electoral ward.**
- b **Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District, County or Unitary Council Councillor representing its electoral ward.**

### **25. 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.**

**ADOPTED BY WELLINGTON TOWN COUNCIL 4<sup>th</sup> November 2019**