



# **STONEHOUSE TOWN COUNCIL**

## **Standing Orders**

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**Text in bold is required by statute.**

The Chair and Deputy Chair of the Council will be the Mayor and Deputy Mayor respectively.

The Proper Officer will be the Town Clerk.

These Standing Orders should be read in conjunction with all relevant policies/documents produced by the Council

- 1 Conduct of formal meetings of the Council, committees and sub-committees.
  - a **Meetings will not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
  - b **The minimum 3 clear days' notice of a Full Council meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, a bank holiday or a day appointed for public thanksgiving or mourning.**
  - c **The minimum 3 clear days *for public notice* of a committee meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
  - d **Meetings will be open to members of 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 will be by a resolution which will give reasons for the public's exclusion.**
  - e Subject to Standing Order 1(d) above, members of the public are welcome to make representations and a part of the agenda will be allocated for this purpose. The period of time designated for public participation will not exceed 15 minutes unless directed by the Chair. Meetings can be suspended by resolution to involve the public at any time.
  - f Questions from the public may be answered at a later date at the discretion of the Chair.
  - g A summary record of public participation at a meeting will be included in the minutes of the meeting.
  - h Only one person is to speak at a time and will direct their comments to the Chair. If more than one person wishes to speak, the Chair will direct the order of speaking.
  - i **Subject to standing order 11 a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use 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.**
  - j **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
  - k **The press shall be provided reasonable facilities for reporting all or part of a**

meeting at which they are entitled to be present.

- l **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Deputy-Chair.**
- m **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy-Chair, if present, will preside. If both the Chair and the Deputy-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting will preside at the meeting.**
- n **Subject to a meeting being quorate, all questions at a meeting will be decided by a majority of the Councillors and non-councillors with voting rights present and voting.**
- o **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
- p **Unless Standing Orders provide otherwise, voting on any question will be by a show of hands. At the request of a Councillor, the voting on any question will be recorded so as to show whether each Councillor present and voting gave their vote for or against that question. Such a request will be made before the vote is taken.**
- q **The minutes of a meeting will record the names of councillors present at the beginning of the meeting or when they arrive afterwards and/or leave before the end, interests declared, dispensations granted, withdrawals due to declared interests, and resolutions made.**
- r **A councillor or non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- s **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council or Committee are present and in no case shall the quorum of a meeting be less than 3. Deferring an item will always be considered if fewer than half the total number of councillors on the Council or Committee is present.**
- t **If a meeting is or becomes inquorate no business will be transacted.**
- u **A meeting will not exceed 2.5 hours unless a motion is passed to suspend this Standing Order.**

## 2 Annual Council Meetings and Ordinary Meetings

- a **In an election year, the annual meeting of the Council will 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 the Council will 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 will take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least 3 other ordinary meetings will be held in each year on such dates and times as the Council directs.**
- e **The election of the Chair of Council (Chair – also known as the Mayor) and Deputy Chair of Council will be the first business completed at the annual meeting of the Council.**
- f **The Chair, unless they have resigned or become disqualified, will continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Deputy Chair, unless they resign or become disqualified, will hold office until immediately after the election of the Chair at the next annual meeting of the Council.**
- h Neither the Chair nor the Deputy Chair may hold the same office for more than 4 consecutive years but may stand for re-election after a further 4 years has elapsed.
- i **In an election year, if the current Chair has not been re-elected as a member of the Council, they will preside at the meeting until a successor has been elected. The current Chair will not have an original vote in respect of the election of the new Chair but must give a casting vote in the case of an equality of votes.**
- j **In an election year, if the current Chair has been re-elected as a member of the Council, they will preside at the meeting until a new Chair has been elected. They may exercise an original vote in respect of the election of the new Chair and must give a casting vote in the case of an equality of votes.**
- k Following the election of the Chair and Deputy Chair of the Council at the annual meeting of the Council, the order of business will be as follows:
  - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office form unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair and Deputy Chair of their acceptance of office form unless the Council resolves for this to be done at a later date.**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
  - iii. Resolving whether to review or approve the Council's Standing Orders, Financial Regulations and the composition of committees
  - iv. Receiving nominations for and appointment of councillors to committees
  - v. Confirmation of S137 of the Local Government Act 1972 expenditure level or the general power of competence.
- L The dates, times and place of ordinary meetings of the Council and committees for the

year ahead will be agreed at the last Council meeting of the calendar year.

### 3. Extraordinary Meetings

- a **The Chair may convene an extraordinary meeting of the Council at any time.**
- b The Chair of a committee may convene an extraordinary meeting of the committee at any time.
- c **If the Chair of Council or Chair of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

### 4. Matters that must be resolved by the whole Council

- a Agreeing, and reviewing annually, the Strategic Plan
- b Setting the precept demand
- c Agreeing to borrow money
- d Approving the end of year Accounts and approving submission of the Annual Return to the External Auditors
- e Incurring capital or revenue expenditure which is over and above the Council's approved budget
- f Adopting, amending or revoking Standing Orders, Financial Regulations and all Council policy documents.
- g Determining the remit of the Committees
- h Agreeing the dates of meetings of the Council and Committees
- i Filling of Councillor vacancies occurring on any outside bodies
- j Making, amending or revoking byelaws
- k Making of Orders under any statutory powers
- l Important matters of principle or policy which have been referred directly by Committees or the Town Clerk
- m Prosecution or defence in a court of law
- n Acquiring land and other significant assets and commissioning services of significant value.
- o Filling vacancies on the Council by co-option.

## 5. General Power of Competence

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

## 6. Minutes

- a. Minutes, including any amendment to correct their accuracy will be confirmed by resolution and every page will be signed and dated by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate. Every page will be numbered.
- b. There will be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c. Draft minutes of full Council and committee meetings will be made available to all councillors within 2 weeks of the meeting and before they are put on the public website.

## 7. Committees

- a. Every committee will have Terms of Reference agreed by the Council and will appoint their own Chair.
- b. **Unless the Council determines otherwise, a committee may appoint a subcommittee whose terms of reference and members shall be determined by the committee.**
- c. **The members of a committee may include non councillors unless it is a committee which regulates and controls the finances of the council.**
- d. **Unless the Council determines otherwise, all the members of any advisory committee and a subcommittee of the advisory committee may be non councillors.**
- e. Each committee will meet on at least five occasions each year.
- f. Councillors who are not members of a committee may participate in debate but will not be permitted to vote on business at that meeting.

## 8 Working Groups

- a. Council and committees may establish Working Groups comprising Councillors and, where appropriate, members of the public or members of staff.
- b. The remit, timescale and membership of a working group will be determined by

Council or the committee that established it.

- c Any Councillor with an interest in the remit of a working group may join it.

## 9 Proper Officer

- a The Council will appoint a Proper Officer (Town Clerk) who is responsible for ensuring that the Council conducts itself within the law.
- b The Council will appoint a Responsible Financial Officer.
- c A member of Staff will be nominated by the Council to undertake the role of the Proper Officer or the Responsible Financial Officer during her/his absence.
- d The Proper Officer shall:
  - i. **at least 3 clear days before a meeting of the Council, committee or sub-committee**
  - (1) **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, date, place and the agenda (provided the councillor has consented to service by email) and**
  - (2) **provide, in a conspicuous place, public notices 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) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents related to the business to be transacted at the meeting, unless they refer to business which is likely to be considered private or their disclosure would be contrary to any enactment.**
  - ii. Subject to standing order 10, include on the agenda all motions received from councillors unless a councillor has given written notice at least 3 days before the meeting confirming withdrawal of their motion
  - iii. **Convene a meeting of the Council for the election of a new Chair on the occasion of a casual vacancy in this office**
  - iv. **Facilitate the inspection of the minute book by local government electors**
  - v. **Receive and retain copies of byelaws made by other local authorities**
  - vi. Provide a copy of the Council's Standing Orders to a Councillor upon delivery of their declaration of acceptance of office
  - vii. Provide objective advice on all matters

## 10 Motions

- a No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 5 clear days



before the meeting or unless it relates directly to an issue addressed by an existing motion on the agenda.

- b If the Proper Officer considers the wording of a motion received is not clear in meaning, or is not supported by sufficient information or evidence, the motion shall be rejected until the mover of the motion resubmits it so that it can be understood to the Proper Officer in accordance with standing order 10a
- c If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer will 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 will be included in the agenda or rejected. Rejected motions will be recorded with the Proper Officer's explanation of the reason for rejection.
- d Motions in respect of the following matters may be moved without written notice:
  - i. to appoint a person to preside at a meeting
  - ii. to move to a vote
  - 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
  - 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 to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant
  - xi. to move an amendment relevant to the original or substantive motion under consideration which will not have the effect of nullifying it
  - xii. to exclude the press and public for all or part of a meeting
  - xiii. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct
  - xiv. to consider a motion of no confidence in the Chair of the meeting
  - xv. to suspend any Standing Order except those which are mandatory by law
  - xvi. to adjourn the meeting
- e A motion to add or vary or revoke one of more of the Council's Standing Orders, not mandatory by law, must be proposed by a special written motion bearing the names or at least two councillors.

## 11 Previous Resolutions

- a A resolution shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Clerk in accordance with standing order 10a, or by a motion moved in pursuance of the recommendation of a committee or a subcommittee.
- b When a motion moved pursuant to standing order 10a has been disposed of, no similar motion may be moved for a further 6 months.

## 12 Rules of Debate

- a The Chair will abide by the rules of debate and their decision is final.
- b A motion (including an amendment) will not be voted on unless it has been proposed and seconded.
- c Subject as above, a motion included in an agenda not moved may be treated as withdrawn
- d A motion (including an amendment) which has been seconded may be amended or withdrawn by the proposer only with the consent of the seconder and the meeting.
- e The Chair will decide the order in which amendments are considered and dealt with.
- f Only one amendment will be moved at a time.
- g The mover of a motion or the mover of an amendment will have a right of reply.
- h During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and if so, required by the Chair, the Councillor who was interrupted will stop speaking. A Councillor raising a point of order will identify the Standing Order which they consider has been breached or identify any irregularity.
- i A point of order will be decided by the Chair and their decision will be final.
- j When a motion is under debate no other motion will 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 them 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
- j If a motion is not passed, a new motion that addresses the same issue as the original motion may be moved in accordance with standing order 10a

## 13 Disorderly Conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair shall request such person(s) to moderate or improve their conduct.
- b If the person(s) disregard the request of the Chair to moderate or improve their conduct, any Councillor or the Chair may move that the person be no longer heard or be 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 13b above, is ignored the Chair may take further reasonable steps to restore order or to progress the meeting.

This may include temporarily suspending or closing the meeting.

- d A Councillor in breach of any Standing Order may be removed from a committee or a sub-committee by a resolution of the Council.

## 14 Code of Conduct

- a All councillors will observe the code of conduct adopted by the Council at all times.
- b **Dispensation requests shall be in writing and submitted to the Town Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required. The dispensation shall be recorded in the minutes of the meeting.**
- c **A dispensation may be granted in accordance with standing order 14b 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 or**
  - iii. **It is otherwise appropriate to grant a dispensation.**
- d A decision to grant a dispensation will be made by the meeting of the Council, committee or sub-committee for which the dispensation is required, and such decision will be final.
- e Unless granted a dispensation, a councillor will withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest or as required by the Council's code of conduct.

## 15 Allegations of Breaches of the Code of Conduct

- a. All alleged breaches of the Council's Code of Conduct will be dealt with in accordance with the relevant (District) Council Policy.
- b. **Upon notification by the District council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the District Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

## 16 Restrictions on Councillor Activities

- a. Unless duly authorised, no councillor shall
  - i. Inspect any land and/or premises which the Council has a right or duty to inspect or
  - ii. Issue orders, instructions or directions to Council staff without the express permission of the Town Clerk.

## 17 Voting on Appointments to Committees, Sub-committees and Working Groups

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

## 18 Execution and Sealing of Legal Deeds

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to 18a any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer (Clerk) shall witness their signatures.**

## 19 Finance 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 referred to in standing order 19(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 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:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. 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;
  - vi. 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. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 20 Management of Information

- a **Information will be managed in accordance with the Council's Data Protection and Confidentiality Policies.**
- b **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.**
- c **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 (egg the Limitation Act 1980).**

- d **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.**
- e **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **21 Responsibilities to provide information**

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to the request for information held by the Council.**
- b **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **22 Responsibilities under Data Protection Legislation**

- a. The Council may appoint a Data Protection Officer.
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**
- c. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **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.**
- e. **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.**
- f. **The Council shall maintain a written record of its processing activities.**

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

- a An invitation to attend all meetings of the Council and its committees will be sent, together with the agenda and other papers as deemed appropriate by the Town Clerk, to Stonehouse's County and District Councillors.