



NEWHAVEN TOWN COUNCIL

Standing Orders

Index

| | |
|--|----|
| 1. Rules of debate at meetings | 2 |
| 2. Disorderly conduct at meetings | 4 |
| 3. Meetings generally | 4 |
| 4. Committees and sub-committees | 7 |
| 5. Ordinary council meetings | 8 |
| 6. Extraordinary meetings of the council and committees and sub-committees | 9 |
| 7. Previous resolutions | 10 |
| 8. Voting on appointments | 10 |
| 9. Motions for a meeting that require written notice to be given to the Proper Officer | 10 |
| 10. Motions at a meeting that do not require written notice | 11 |
| 11. Management of Information | 12 |
| 12. Draft minutes | 13 |
| 13. Code of conduct and dispensations | 13 |
| 14. Code of conduct complaints | 14 |
| 15. Proper Officer | 15 |
| 16. Responsible Finance Officer | 16 |
| 17. Accounts and accounting statements | 16 |
| 18. Estimates/precepts | 17 |
| 19. Financial controls and procurement | 17 |
| 20. Handling staff matters | 19 |
| 21. Responsibilities to provide information | 19 |
| 22. Responsibilities under Data Protection Legislation | 20 |
| 23. Canvassing of and recommendations by councillors | 20 |
| 24. Relations with the press/media | 21 |
| 25. Execution and sealing of legal deeds | 21 |
| 26. Communicating with District and County Councillors | 21 |
| 27. Restrictions on councillor activities | 21 |
| 28. Standing orders generally | 22 |

1. Rules of debate at meetings

- a Councillors shall address the presiding Chair.
- b A Councillor shall indicate that he wishes to speak by raising a hand and Councillors shall be heard in the order in which they indicated. If two or more Councillors indicate at once, the presiding Chair shall call upon one of them to speak before the other.
- c Whenever the presiding Chair speaks during a debate all other Councillors shall be silent.
- d Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- e A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- f A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- g If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- h An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- i If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- j A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- k Subject to standing order 1(l) below, only one amendment shall be moved and debated at a time. If there is more than one amendment, the order shall be directed by the chair of the meeting.
- l One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- m A councillor may not move more than one amendment to an original or substantive motion.
- 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 either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- p With the consent of the meeting, a motion or amendment may be withdrawn by the

proposer. No councillor may speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

- q Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- r 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 other irregularity in the proceedings of the meeting he is concerned by.
- s A point of order shall be decided by the chair of the meeting and his decision shall be final.
- t When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- u Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- v Excluding motions moved under standing order 1(t) above, the contributions or speeches by a councillor shall relate only to the motion under discussion. No speech by a mover of a motion shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.

2. 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 ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally





 Full Council meetings

 Committee meetings

 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 **At least three clear days' notice of Council meetings must be given to councillors and the public. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
-  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 **Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Public questions may also be asked on matters which are not on the agenda, provided that notice has been given to the Clerk at least three working days before the date of**

the meeting.

- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) above shall not exceed 15 minutes unless directed by the chair of the meeting.
- f Subject to standing order 3(e) above, a member of the public shall not speak for more than 3 minutes.
- g In accordance with standing order 3(d) above, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- h A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- i A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
-  k **Members of the public may not orally report or comment about a meeting as it takes place if they are present at a meeting of the town council or its committees but otherwise may:**
 - i. film, photograph or make an audio recording of a meeting;
 - ii. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - iii. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
-  l **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if any).**
-  n **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**



- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**



- p **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 his casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.

- q **Unless standing orders provide otherwise, voting on a 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.

- r The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.



- s **A councillor or a 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 his right to participate and vote on that matter.**



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

See standing order 4g below for the quorum of a committee or sub-committee meeting.



- u **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**

- v A meeting shall not exceed a period of 3 hours.

4. Committees and sub-committees

- 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 full 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) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, 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 are unable to attend; and
 - vi. may dissolve a committee.
- e Unless Council has named a Chair, every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair.
- f A committee shall have delegated powers, which may be to conclude the matter referred to it or may be to progress matters to a specified point where a report to Council is required. A committee may make decisions that are binding on the Council as empowered by its remit.
- g Except where ordered by the Council the quorum of the Planning Committee shall be one third of its membership and for any other committee at least one half of its membership.
- h The Council or a committee may appoint working parties. A working party may co-opt others to help it progress business to a point where a report is brought to Council or committee for a decision. A working party cannot make decisions that are binding upon the Council or committee.

- i The Standing Orders on rules of debate (except those parts relating to speaking more than once) shall apply to committee and sub-committee meetings.
- j Members of committees wishing to submit items for inclusion on the Agenda shall consult the chair of the committee and the Clerk at least 14 clear days before the next meeting of the committee.

5. Ordinary council meetings

- 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 Chair, who shall be the Town Mayor, and Vice-Chair, who shall be the Deputy Town Mayor, of the Council shall be the first business completed at the annual meeting of the Council.**
- f **The Chair 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. The Mayor is normally appointed for only one year.**
- 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 the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**
- 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 Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms 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 of the Council of his 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. Receipt of the minutes of any meetings of committees which have taken place since the last Council meeting;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of the terms of reference for committees;
 - vi. Appointment of members to existing committees;
 - vii. Appointment of any new committees in accordance with standing order 4 above;
 - viii. Review of representation on or work with external bodies and arrangements for reporting back;
 - ix. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - x. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xi. Review of the council's and/or staff subscriptions to other bodies; and
 - xii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- 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 seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chair of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chair of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2

members.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 9 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a Where more than the required number of persons have been nominated for a position or positions to be filled by the Council, the position or positions shall be filled after a ballot conducted by single transferable vote. Any tie may be settled by the Chair's casting vote.
- b Where a person is to be co-opted to the Town Council, the Town Councils agreed Policy and Procedure shall be followed.

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 working days before the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing

order 9(b) 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 so that it can be understood at least 10 working days before the meeting.

- e If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Notice of every motion received in accordance with the Council's standing orders shall be dated and numbered in the order received and shall be filed and the file shall be open to inspection by all councillors.
- h Every motion rejected 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 file for that purpose, which shall be open to inspection by all councillors.

10. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to approve the absences of councillors;
 - iii. to approve the accuracy of the minutes of the previous meeting;
 - iv. to dispose of business, if any, remaining from the last meeting;
 - v. to move to a vote;
 - vi. to defer consideration of a motion;
 - vii. to refer a motion to a particular committee or sub-committee;
 - viii. to appoint a person to preside at a meeting;
 - ix. to change the order of business on the agenda;
 - x. to proceed to the next business on the agenda;
 - xi. to close or adjourn debate;
 - xii. to require a written report;
 - xiii. to receive nominations to a committee or sub-committee;
 - xiv. to appoint a committee or sub-committee and their members;
 - xv. to dissolve a committee or sub-committee;
 - xvi. to note the minutes of a meeting of a committee or sub-committee;
 - xvii. to consider a report and/or recommendations made by a committee or sub-committee;

- xviii. to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
- xix. to authorise legal deeds to be signed by two councillors and witnessed (see standing orders 24 (a) and (b) below.);
- xx. to authorise the payment of monies;
- xxi. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- xxii. to give leave to withdraw a resolution or an amendment;
- xxiii. to give the consent of the Council if such consent is required by standing orders;
- 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;
- xxvi. to consider otherwise than in committee a question affecting an employee of the Council (see standing order 20);
- xxvii. to extend the time limits for speaking;
- xxviii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xxix. to not hear further from a councillor or a member of the public;
- xxx. to exclude a councillor or member of the public for disorderly conduct;
- xxxi. to temporarily suspend the meeting;
- xxxii. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xxxiii. to adjourn the meeting; or
- xxxiv. to close a meeting.

11. Management of information

See also standing order 21.

- 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.**

Councillors, staff, the Council's contractors and agents shall not disclose confidential information

or personal data without legal justification.

12. 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 10(a)(i) above.

The accuracy of draft minutes, including any amendment(s) made to them, 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.

13. Code of conduct and dispensations

See also standing order 3(s) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Councillors with a prejudicial interest which is not a disclosable pecuniary 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.
- e **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

- f A decision as to whether to grant a dispensation shall be made by the Proper Officer.
- g 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; and
 - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 13(e) and (g) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- i **A dispensation may be granted in accordance with standing order 13(f) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the District 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 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Council of this fact, and the Chair 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) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

- d Upon notification by the District 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.

15. Proper Officer

- a The Proper Officer shall be the Clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders or by statute, regulation or order. In the event of the absence of the Clerk the Responsible Financial Officer shall perform such of these functions as cannot wait until the Clerk returns.
- b The Proper Officer shall:
- i **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer. Paper copies of all agendas and reports will be available for all councillors at the meeting. Any councillor may choose to additionally receive the above summons by delivery or post at their residences at least 3 clear days before the meeting.**
See standing order 3(b) above for the meaning of clear days for a meeting.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
See standing order 3(b) above for the meaning of clear days for a meeting.
 - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 10 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;**
 - v. make available for inspection the minutes of meetings;
 - vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. retain acceptance of office forms from councillors;
 - viii. retain a copy of every councillor's register of interests;
 - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
 - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - xi. assist in the organisation 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 and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
See also standing order 24 below.
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xiv. for every planning application notified to the Council, record the date on which it was received, the LDC reference number and the place to which it refers as soon as it is received;
 - xv. refer every planning application received to the Planning & Development Committee. Details of plans shall be available to councillors and the public at the Council's offices during normal opening hours;
 - xvi. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if there is one) of the Planning & Development Committee] or the Chairman or in his absence the Vice-Chairman of the Council within two 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 Planning & Development committee.
 - xvii. manage access to information about the council via the publication scheme; and
 - xviii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 24 below.

16. Responsible Financial Officer

- a The Clerk will undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Finance Officer shall supply to each meeting of any committee which has delegated powers to spend sections of the town council's budget a statement summarising the income, expenditure and balances held in the section of the budget under the remit of

that committee. This statement will include a comparison with the budget for the financial year.

- d The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 September in each year a statement to summarise:
 - i. the council's aggregate receipts and payments for the year to date;
 - ii. the balances held at the end of the first six months of the year

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- e As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- f The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Estimates/precepts

- a The Council shall approve written estimates for the coming financial year no later than 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 November.

19. 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. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- 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 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015. For the purposes of Regulation 110 of the same**
 - i) **a contracting authority advertises an opportunity if it does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract; and**
 - (ii) **accordingly, a contracting authority does not advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators.**
- 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 other person 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.

The full requirements of The Public Contract Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed those thresholds specified in the Government Procurement Agreement, as amended from time to time which INCLUDE VAT.¹

20. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or the Personnel committee is subject to standing order 11 above.
- b Performance appraisals for all council employees will be carried out in accordance with the Council's policy.
- c Disciplinary and grievance matters shall be handled in accordance with the Council's policy.
- d 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.
- e Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g Only persons with line management responsibilities shall have access to staff records referred to in standing orders 20(e) and (f) above if so justified.
- h Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20(e) and (f) above shall be provided only to the Clerk and/or the Chair of the Personnel Committee.

21. Responsibilities to provide information

¹ As of January 1st 2022: Public Works Contracts £5,336,937, Public Service Contracts £213,477 and Public Supply Contracts £213,477

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair of the Policy & Resources Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
- c 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

Below is not an exclusive list. See also standing order 11.

- 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 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. 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.

24. Relations with the press/media

Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

25. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xviii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 25 (a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

26. Communicating with District and County councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the councillors of the District and County Council representing electoral wards within the parish of Newhaven.
- b Unless the council otherwise orders, a copy of each letter ordered to be sent to the District or County Council shall be sent to the District or County Councillor representing the relevant electoral ward within the parish of Newhaven.

27. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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.

28. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.
- e A councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing orders.