



# Kidderminster Town Council

## Standing Orders

(Reviewed 7<sup>th</sup> July 2021 – Town Council Minute F170 refers)

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## STANDING ORDERS

1. Rules of debate at meetings
  - a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
  - b A motion (including an amendment) shall not be debated unless it has been moved and seconded.
  - c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
  - d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 is a proposal to remove or add words to a motion. It shall not negate the motion.
  - f If an amendment to the original motion is carried, the amended motion becomes the substantive motion upon which further amendment(s) may be moved.
  - g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
  - h A councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be debated only with the consent of the seconder and the meeting.
  - i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
  - j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
  - k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
  - l A councillor may not move more than one amendment to an original or substantive motion.
  - m The mover of an amendment has no right of reply at the end of debate on it.
  - n 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
  - o Unless permitted by the chairman 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/she last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his/her decision shall be final.
- r 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 in accordance with standing order 3(b);
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman 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/her right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion. Speeches shall not exceed five minutes (or ten minutes in the case of the proposer of a motion under standing order 1(b) or standing order 1(r)(i)), without the consent of the chairman of the meeting.
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 chairman of the meeting shall request such person(s) to moderate or improve their conduct.
  - b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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 chairman 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 – standing orders marked + apply only to full council meetings

a The minimum five clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Saturday, 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.

b Meetings (other than meetings of advisory committees) shall be open to the public unless confidential information or exempt information is to be disclosed. “Confidential information” and “exempt information” are defined in the appendix to these standing orders. 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 by reference to the relevant categories in the appendix.

c 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.

d The period of time designated for public participation at a meeting in accordance with standing order 3(c) above shall not exceed 20 minutes unless directed by the chairman of the meeting.

e Subject to standing order 3(d) above, a member of the public shall not speak for more than 3 minutes.

f In accordance with standing order 3(c) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

g A person shall raise his/her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.

h A person who speaks at a meeting shall direct his/her comments to the chairman of the meeting.

i Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

j Whenever the chairman of the meeting rises a councillor or other person then speaking or standing shall resume his/her seat and the meeting shall be silent.

k The use of social media, or visual or audio recording by the press and public is permitted, provided they have notified the chairman before the start of the meeting if it is intended to record (audio or visually) the meeting or any part of the meeting. Recording, filming or transmission is not permitted for the part of any meeting where confidential information or exempt information, as defined in the appendix to these standing orders, is to be discussed.

+ l Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his/her absence be done by, to or before the Deputy Mayor. If both the Mayor and the Deputy Mayor are absent from a meeting, the reference to the Deputy Mayor in the preceding sentence shall be read as including the councillor chosen to preside at the meeting in accordance with standing order 3(m).

+ m 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.

n 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.

o The chairman 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/her casting vote whether or not he/she gave an original vote.

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

p 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/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

q 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.

r 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/her 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 are present.

*See standing order 4(a)(vii) below for the quorum of a committee or sub-committee meeting.*

t 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.

u A meeting shall not exceed a period of four hours.

v If the business of the meeting is not completed by 10.00 pm the meeting will be adjourned to a date and time agreed before the close of the meeting.

#### 4. Committees and sub-committees

- a The council may appoint standing committees, advisory committees (which shall not have decision-making powers) 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 at least 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(c) and (d) below, appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(c) and (d) 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 confirm to the Proper Officer two days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a committee, appoint the chairman of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three (other than for an advisory committee for which the quorum shall be no less than two); and
  - viii. may dissolve a committee.
- b Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee. The terms of reference for a sub-committee shall not include matters that lie outside the terms of reference of the committee by which it is appointed.
- 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 an advisory committee and a sub-committee of the advisory committee may be non-councillors.

## 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, ordinary meetings shall be held monthly (except for the month of August) on the second Wednesday of the month at 6pm unless the council directs that the date and time of a meeting should be changed
- e The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor (if any) of the Council, and shall proceed in accordance with standing order 8 below
- f The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.
- g The Deputy Mayor, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the council.
- h In an election year, if the Mayor of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Mayor has been elected. In this case, the Mayor for the preceding year shall not have an original vote in respect of the election of the successor Mayor but must give a casting vote in the case of an equality of votes.
- i In an election year, if the Mayor of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.
- j Following the election of the Mayor and Deputy Mayor(if any) at the annual meeting of the council, the business of the annual meeting shall include:
  - i. delivery by the Mayor and Deputy Mayor (if any) of their acceptance of office forms;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;



- vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. in an election year, to make a resolution if appropriate in accordance with the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012; and
  - xiii. Determining the time and place of ordinary meetings of the full council and committees up to and including July following the next annual meeting of full council.
6. Extraordinary meetings of the council and committees and sub-committees
- a The Mayor may convene an extraordinary meeting of the council at any time.
  - b If the Mayor 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 six councillors, any six 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 six councillors.
  - c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
  - d If the chairman of a committee or a sub-committee does not, or refuses to, call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee.
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 six 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 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 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. Except as provided for in standing order 5(h) and (i) above, a tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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 for which it is tabled and in any event shall relate to either the performance of the council's statutory functions, powers and obligations or an issue which 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 by 12 noon on the seventh working day before the meeting. In this standing order, "working day" does not include Saturdays, Sundays or bank holidays.
  - 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 by 5pm on the seventh working day before the meeting.
  - e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult the chairman 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 Motions received shall be recorded and numbered in the order that they are received.
  - h Motions rejected shall be recorded with an explanation by the Proper Officer of the reasons for their rejection. These records shall be available for inspection by members of the council and by the public.
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 move to a vote;
    - iii to defer consideration of a motion;
    - iv to refer a motion to a particular committee or sub-committee;
    - v to appoint a person to preside at a meeting;
    - vi to change the order of business on the agenda;
    - vii to proceed to the next business on the agenda;
    - viii to require a written report;
    - ix to appoint a committee or sub-committee and their members;
    - x to extend the time limits for speaking;
    - xi to exclude the press and public from a meeting in accordance with standing order

3(b);

- xii. not to hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

#### 11. Handling confidential or sensitive information

- a Councillors and staff shall not disclose confidential or exempt information as defined in the appendix to the Standing Orders including, where relevant, any reports or minutes that contain such information.

#### 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.
- 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/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

#### 13. Code of conduct and dispensations

*See also standing order 3(r) above.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he/she 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/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

- c Unless he/she 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/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer at any time. Where the request relates to a specific item on the agenda for a forthcoming meeting, the request shall be submitted forthwith by the councillor so that a decision may be made on it before the meeting. Requests may not be submitted at a meeting.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final. The dispensation shall be reported to the next full council meeting.
- f 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.
- g A dispensation may be granted in accordance with standing order 13(e) 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 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/her. Such action excludes disqualification or suspension from office.

#### 15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent. From 1 December 2015 until the date on which the clerk recruited by the council takes up office, the reference to "the clerk" in the first sentence of this Standing Order shall be read as a reference to the Chief Executive of Wyre Forest District Council.
- b The Proper Officer shall:

- i. at least five 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.

*See standing order 3(a) above for the meaning of clear days.*

- ii. give public notice of the time, place and agenda at least five 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(a) above for the meaning of clear days.*

- 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 seven days before the meeting confirming his/her withdrawal of it;
- iv. convene a meeting of full council for the election of a new Mayor, occasioned by a casual vacancy in his/her office;
- v. facilitate inspection of the minute book by local government electors;
- vi. receive and retain copies of relevant byelaws made by other local authorities;
- vii. witness and 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;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;

*See also standing order 21 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. manage access to information about the council via the publication scheme and in accordance with the transparency code under the Local Government, Planning and Land Act 1980; and
- xv. 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 21 below.*

## 16. Responsible Financial Officer

- a. The council shall appoint a member of staff who is the responsible financial officer and who may be the clerk. The council shall nominate other staff member(s) to 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 Financial Officer shall provide a written report to each meeting of the full council to summarise:
  - i. the council's receipts and payments to the end of the most recent month before the meeting;
  - ii. the balances held at that date

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

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide a written report to the full council on 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.
- e 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. 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. 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 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial regulations shall be reviewed regularly and at least annually by the Responsible Financial Officer for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods,

materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.

- 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 any 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 £172,514 (or such other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (SI 2015 No. 102, and any amendment to or re-enactment of those regulations) apply to the contract. If those Regulations apply, the council must comply with EU procurement rules.

## 19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or a committee is subject to standing order 11 above.
- b 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.
- c 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.
- d Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(b) and (c) above if so justified. In respect of the clerk and the responsible financial officer, the Mayor is to be treated as a person with line management responsibility.

20. Relations with the press/media

- a 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.

21. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 21(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

22. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall issue orders, instructions or directions.

23. 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 three 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/she has delivered his/her acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



Appendix – reasons for exclusion of press and public (see Standing Order 3(b))

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

“Confidential information” means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

“Exempt information” means information falling within the following categories (subject to any condition)

Category	Qualifications/Interpretation
1. Information relating to any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

“Financial or business affairs” includes contemplated, as well as past or current, activities.

Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under:

- a) the Companies Act 1985
- b) the Friendly Societies Act 1974
- c) the Friendly Societies Act 1992
- d) the Industrial and Provident Societies Acts 1965 to 1978
- e) the Building Societies Act 1986
- f) the Charities Act 1993

“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

“Employee” means a person employed under a contract of service.

“Labour relations matter” means:-

a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

b) any dispute about a matter of falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.

“Office Holder”, in relation to the authority, means the holder of any paid office

appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes:-

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

b) to make an order or direction under any enactment

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.