



SHIPSTON-ON-STOUR TOWN COUNCIL

New Clark House

West Street

Shipston-on-Stour

Warwickshire

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STANDING ORDERS OF THE TOWN COUNCIL

(Re-adopted May, 2014)

Standing orders for the organisation and transaction of Councils' business are decided by full Council. A working group or sub-working group may decide its own standing orders if its appointing body (which is the Council in the case of a working group or a working group in the case of a sub-working group) has not made standing orders which apply to them.

In this document the model standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. It is recommended that a Council adopts the model standing orders in bold type in their current form because these reflect statutory requirements. If a Council wants to slightly alter the wording of the model standing orders in bold type, any such amendments must not have the effect of undermining, overriding or conflicting with statutory requirements.

Model standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at (i) highlighting matters that merit regulation by standing orders and (ii) encouraging use of standing orders to regulate routine administrative arrangements. They may be adapted in their current form but are more likely to require adapting or supplementing to suit a Council's particular needs. Once again, a Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

- Some model standing orders indicate by use of '()' that information must be inserted before being adopted.
- Some model standing orders indicate by use of the term 'OR' that an alternative option may apply.

Part Two does not include financial regulations. Part One does include a comprehensive set of regulations for dealing with a Council's financial affairs and accounting procedures. Any reference in *this* document to financial regulations is a reference to a Council's standing orders for the regulation of its financial affairs.

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1 Meetings

Mandatory for full Council meetings	●
Mandatory for working group meetings	■
Mandatory for sub-working group meetings	▲

Note different symbol shapes are used to facilitate printing on black and white printers

- a **Meetings of the Town Council shall be held at Clark House, West Street at 19.00 hours unless the Town Council decides otherwise at a previous meeting.**

- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- d The period of time which is designated for public participation in accordance with standing order 1(c) above] shall not exceed 15 minutes.









- e Subject to standing order 1(d) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.

- f A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- g A member of the public shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Town Mayor may at any time permit an individual to be seated when speaking.

- h Any person speaking at a meeting shall address his comments to the Town Mayor.

- i Only one person is permitted to speak at a time. If more than one person wishes to speak, the Town Mayor shall direct the order of speaking.
- j **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.**
- k **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- l **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor may in his absence be done by, to or before the Deputy Town Mayor.**
- m **The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Town Mayor and the Deputy Town 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 model standing order 1 (v) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- ▲ o **The Town Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)**
- p **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- q **The minutes of a meeting shall record the names of councillors present and absent.**
- ▲ r If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

-  s **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**


-  t **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing orders 7 and 8 below.)**
-  u **No business may be transacted at a meeting of Shipston Town Council 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 5.**
- 

 v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- w Meetings shall not normally exceed a period of two and a half hours. (7.00 to 9.30 pm)

2 Ordinary Council meetings

See also standing order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual 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 7pm.
- 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 Town Mayor and Deputy Town Mayor of the Council shall be the first business completed at the annual meeting of the Council.
- f The Town Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected.
- g The Deputy Town Mayor of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor of the Council at the next annual meeting of the Council.
- h In an election year, if the current Town Mayor of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Town Mayor of the Council has been elected. The current Town Mayor of the Council shall not have an original vote in respect of the election of the new Town Mayor 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 Town Mayor of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Town Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Town Mayor of the Council and must give a casting vote in the case of an equality of votes.

- j Following the election of the Town Mayor of the Council and Deputy Town Mayor (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
- i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by working groups.
 - iii. Review of delegation arrangements to working groups, sub-working groups, employees and other local authorities.
 - iv. Review of the terms of references for working groups.
 - v. Receipt of nominations to existing working groups.
 - vi. Appointment of any new working groups, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii. Review and adoption of appropriate standing orders and financial regulations.
 - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix. Review of representation on or work with external bodies and arrangements for reporting back.
 - x. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
 - xi. Review of inventory of land and assets including buildings and office equipment.
 - xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - xiii. Review of the Council's and/or employees' memberships of other bodies.
 - xiv. Establishing or reviewing the Council's complaints procedure. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - xv. Establishing or reviewing the Council's policy for dealing with the press/media
 - xvi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer / Town Clerk

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

- b The Council's Proper Officer shall do the following.
 - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.**

 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it.

 - iv. **Convene a meeting of full Council for the election of a new Town Mayor of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**

 - v. Make available for inspection the minutes of meetings.

 - vi. **Receive and retain copies of byelaws made by other local authorities.**

 - vii. **Receive and retain declarations of acceptance of office from councillors.**

 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

 - ix. Keep proper records required before and after meetings;

 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.

- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also standing orders 14(a) and (b).*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xvi. In the event of short response dates for planning applications, the Clerk (in conjunction / conversation with the planning group) will make the decision and convey this to the planning authority
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least seven clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Town Mayor of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Town Mayor or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g 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 book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
- i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a working group or to a sub-working group or an employee.
 - x. To appoint a working group or sub-working group or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a working group or sub-working group.
 - xii. To dissolve a working group or sub-working group.
 - xiii. To note the minutes of a meeting of a working group or sub-working group.
 - xiv. To consider a report and/or recommendations made by a working group or a sub-working group or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds [to be sealed by the Council's common seal] OR [signed by two councillors] and witnessed.
(See standing orders 14(a) and (b) below.)
 - xvii. To authorise the payment of monies up to £1,000
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.**
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
 - xxvii. Other motions raised at the meeting and agreed to be taken by a majority of those present (subject to quorum rules).
- b If a motion falls within the terms of reference of a working group or sub-working group or within the delegated powers conferred on an employee, a referral of the same may be made to such working group or sub-working group or employee provided that the Town Mayor may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Town Mayor's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Town Mayor, be reduced to writing and handed to the Town Mayor who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Town Mayor. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Town Mayor considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Town Mayor.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except at the discretion of the Town Mayor or to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Town Mayor and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a working group or sub-working group for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Town Mayor shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Town Mayor shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7 Code of conduct (England)

See also model standing orders 1(d)–(i) above

A revised statutory code of conduct is expected to come into force in 2010

- a All councillors shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training in the code of conduct normally within 6 months of the delivery of their declaration of acceptance of office.
- c If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked by the public during the part of the meeting set aside for such questions.
- c Every question shall be put and responded to, without discussion.

9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Town Mayor of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Town Mayor of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Town Mayor 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 view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Town Mayor, there has been a breach of standing order 10(a) above, the Town Mayor shall express that opinion and thereafter any councillor (including the Town Mayor) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Town Mayor may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 8 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a working group.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12 Voting on appointments

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Town Mayor's casting vote.

13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

14 Execution and sealing of legal deeds

See also standing order 5(a)(xvi) above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

15 Working groups

See also standing order 1 above

- a The Council may, at its annual meeting, appoint working groups and may at any other time appoint such other working groups as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit working groups to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a working group (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a working group whose role is to replace ordinary councillors at a meeting of a working group if ordinary councillors of the working group have confirmed to the Proper Officer 4 days before the meeting that they are unable to attend;
 - v. may in accordance with standing orders, dissolve a working group at any time.

16 Sub-working groups

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every working group may appoint a sub-working group whose terms of reference and members shall be determined by resolution of the working group.

17 Extraordinary meetings

See also standing order 1 above

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

18 Advisory working groups

See also standing order 1 above

- a The Council may appoint advisory working groups comprised of a number of councillors and non-councillors.
- b Advisory working groups and any sub-working groups may consist wholly of persons who are non-councillors.

19 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer (Town Clerk) shall supply to each councillor as soon as practicable in each year a statement summarising the Council's receipts and payments for the each month and the balances held at the end of a month. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any working group desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

21 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a working group or sub-working group, directly or indirectly, for employment to or by the Council shall disqualify the candidate from such employment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a working group or sub-working group shall not solicit a person for employment 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 employment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an employment.
- d A councillor may make recommendations in writing concerned with appointments, employment, goods and services to the appropriate working group or Council officer.

22 Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a working group or a sub-working group, and request a copy for the same purpose. The minutes of meetings of the Council, its working groups or sub-working groups shall be available for inspection by councillors.

23 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a working group or a sub-working group:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
 - iii. make any statement or report purporting to be the view of the Council

24 Confidential business

- a Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a working group or a sub-working group by a resolution of the Council.

25 Power of well-being (England)

- a **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

26 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR [the Staffing working group] OR [the Staffing sub-working group] has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Town Mayor of the Staffing working group OR [the Staffing sub-working group] at its next meeting.
- c The Chairman of [the Staffing working group] OR [the Staffing sub-working group] or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of [the employee's job title] and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by [the Staffing working group] OR [the Staffing sub-working group].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of [the Staffing working group] OR [the Staffing sub-working group] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the Staffing working group] OR [the Staffing sub-working group].
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the Chairman or Vice-Chairman of [the Staffing working group] OR [the Staffing sub-working group], this shall be communicated to another member of [the Staffing working group] OR [the Staffing sub-working group], which shall be reported back and progressed by resolution of [the Staffing working group] OR [the Staffing sub-working group].
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Town Clerk shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h 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.
- i Only the Town Clerk shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.

Staffing or any other Working Group can only have powers of committee, if agreed by the formation of a sub-committee which takes responsibility for working groups.

27 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred to the Town Clerk. The Town Clerk shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

28 Relations with the press/media

(Written recommendations to be agreed by Communications working group)

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be directed to the Town Clerk. No oral or written document may be given without a resolution of the full Council.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

29 Liaison with District and County Councillors

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

30 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
 - vi. Where appropriate, emphasis should be given to local traders to supply goods/services to the Town, but not where this significantly compromises best value.
- b Any 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 30(c) below.**
- c Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Working group.
- d Neither the Council, nor any working group, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

31 Allegations of breaches of the code of conduct

See also “STC Code of practice for handling complaints”

- a On receipt of a notification from the Standards Officer at Stratford District Council that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a working group known as the Conduct working group.
- b Where the notification relates to a complaint made by the Proper Officer (Town Clerk), the Proper Officer shall notify the Chairman of the Conduct working group of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee or councillor (not being the Proper Officer) the Proper Officer shall ensure that the employee or councillor in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Conduct working group) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Conduct working group or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Conduct working group shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

32 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless eight members of the full Council vote in favour of the same.

33 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Town Mayor's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting, following a warning by the Town Mayor, may result in him being excluded from the meeting in accordance with standing orders.



SHIPSTON-ON-STOUR TOWN COUNCIL

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