



## **HORLEY TOWN COUNCIL STANDING ORDERS 2019**

These Standing Orders were adopted by Horley Town Council at its Full Council Meeting held on 15 October 2019.

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## HORLEY TOWN COUNCIL – STANDING ORDERS

### INTRODUCTION

- 1 These Standing Orders regulate the conduct and business of the Town Council and are binding on Horley Town Councillors.
- 2 The Orders are also binding on all those invited to take part in public or confidential Council business and, where appropriate, on Town Council staff.
- 3 The Orders are reviewed by the Standing Orders Sub-Committee on a regular basis. Its recommendations are considered by the Finance & General Purposes Committee, who, in turn makes recommendations to Full Council.
- 4 Where matters arise that are not covered by these Orders, reference should be made to the latest version of the publication, Local Council Administration by Charles Arnold-Baker.
- 5 Many of the Orders are statutory requirements. These are printed in **bold type**.
- 6 On signing or re-signing a Declaration of Acceptance of Office, members also undertake to be bound by the Reigate and Banstead Borough Council Member Code of Conduct, adopted by Horley Town Council on 26 June 2012, with effect from 1 July 2012, in accordance with Chapter 7, Regulation 28 of the Localism Act 2011.
- 7 The Financial Regulations govern the financial conduct of the Town Council.
- 8 Further background details can be found in the Supplementary Information section.
- 9 The Complaints Procedures govern the Town Council's procedures for dealing with complaints from a service user or from a member of the public.
- 10 The Press & Media Protocol guides both Councillors and Officers in their relations with the Press and Media.
- 11 The Social Networking Policy manages and regulates the corporate use of social media alongside the Press & Media Protocol.

## 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 progressed 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- c A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 A resolution or amendment shall not be discussed unless it has been proposed and seconded and proper notice has already been given.
- f A member shall direct his speech to the question under discussion or to a point of order.
- g No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed five minutes, except by consent of the Council.
- 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 (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- j 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.
- k 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.
- l 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 of the meeting.
- m Subject to Standing Order 1(n), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- n 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.

- o A Councillor may not move more than one amendment to an original or substantive motion.
- p The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
- q 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.
- r 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 last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation, confined to some material part of a former speech by him which may have been misunderstood; or
  - v. to exercise a right of reply.
- s A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.
- t During the debate on 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.
- u A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- v Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- w Whenever a member speaks during a debate all other members shall be silent.
- x When a motion is under debate no other motion shall be moved except the following:
  - 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 for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend any Standing Order(s) except those which reflect are mandatory statutory or legal requirements.
- y 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 right of reply.
- z The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
- aa Excluding motions moved under Standing Order 1(x), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed five minutes 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 be 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) 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 ●
- Committee meetings ●
- Sub-committee meetings ●

- a Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b **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.**
- c **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.**
- d **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- e **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.**
- f Members of the public may make representations during the Public Forum, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Standing Orders may be suspended at the request of the Chairman and members to bring forward the agenda item to the Public Forum part of the meeting.
- g The period of time designated for public participation at a meeting in accordance with Standing Order 3(f) shall not exceed 5 minutes unless directed by the Chairman of the meeting.
- h Subject to Standing Order 3(g), a member of the public shall not speak for more than 5 minutes.
- i In accordance with Standing Order 3(f), 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.
- j A member of the public shall stand when requesting to speak and 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.

- k A member of the public who speaks at a meeting shall direct his comments to the Chairman of the meeting.
  - l Only one member of the public 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.
  - m A record of a public participation session at a meeting shall be included in the minutes of that meeting.
  - n At the discretion of a simple majority of the Council or Committee, members of the public, by reason of their expertise, may be invited to participate in public or confidential sessions.
  - o **A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
  - p The Council may make an audio recording of every meeting for its own use.
  - q A member shall stand when speaking at Full Council meetings but shall remain seated when speaking at Committee meetings.
  - r **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.**
  - s **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**
  - t **The Committee Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
  - u **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and Non-Councillors with voting rights present and voting.**
  - v **The Chairman 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) for different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*

- w **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  
- x 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 who are present and the names of Councillors who are absent;
  - iii. interests that have been declared by Councillors and Non-Councillors with voting rights;
  - iv. the grant of dispensations (if any) to Councillors and Non-Councillors with voting rights;
  - v. whether a Councillor or Non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  
- y **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.**
  
- z The Code of Conduct adopted by the Council (Reigate & Banstead Member Code of Conduct, adopted by Horley Town Council from 1 July 2012) shall apply to Councillors in respect of the entire meeting.
  
- aa 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 of the meeting.
  
- ab **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council or Committee are present and in no case shall the quorum of the meeting be less than three.**
  
- ac **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 of that Committee or to Full Council.

- ad A Schedule of Council and Committee Meetings for the next Council year (May to April) shall be drawn up by the Clerk and approved by the Council before the end of April in any year. The schedule shall include a date for the Annual Meeting in the next Council year. In an election year the schedule shall be recommended for approval by the incoming Council.
- ae The Town Meeting shall be held between 1 March and 1 June each year. In an election year the Town Meeting shall be held in March (or at a time outside of Purdah, as directed by Reigate & Banstead Borough Council).
- af Meetings of the Council and of its Committees shall not exceed two hours. If there is unfinished business, this Standing Order may be suspended at the discretion of a simple majority of the Council or Committee, to allow the meeting to continue. (Subject to the agreement of Officers present.)

#### **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 at its Annual Meeting appoint Standing Committees (currently Finance & General Purposes, Leisure & Amenities and Planning & Development) and may at any other time appoint such other Committees as may be necessary, and:
  - i. shall determine their Terms of Reference
  - ii. shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting.
  - iii. may dissolve or alter the membership of a Committee at any time, in accordance with Standing Orders.
- e With the exception of Committee Chairmen, each member shall have the opportunity to serve on a maximum of two Committees.
- f The Chairman and Vice-Chairman of the Council, ex-officio, shall be voting members of every Committee.

- g The Chairman of the Leisure & Amenities Committee and the Chairman of the Planning & Development Committee shall be ex officio members of the Finance & General Purposes Committee.
- h Committee Chairmen shall have the opportunity to serve on every Committee.
- i Unless there is a Council resolution to the contrary, every Committee may appoint Sub-Committees, whose terms of reference and members shall be determined by resolution of the Committee.
- j Every Committee / Sub-Committee shall at its first meeting, before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
- k The Standing Orders relating to meetings of Committees shall apply to meetings of Sub-Committees.

## **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 Councillors elected take office.**
- b **In a year which is not an election year, the Annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the Annual Meeting of the Council shall take place at 7.30 pm.**
- 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 decides.**
- e **The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the Annual meeting until his successor is elected at the next Annual Meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he has resigned or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- h If the Chairman of the Council resigns or becomes disqualified, the Vice-Chairman shall assume the role of Chairman of the Council until such times as a new Chairman is elected.

- i **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
  
- j **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
  
- k Following the election of the Chairman and Vice-Chairman of the Council at the Annual Meeting, the business shall include:
  - i. **In an election year, delivery by the Chairman of the Council and Councillors of their Acceptance of Office forms, unless the Council resolves for this to be done at a later date, and their consent to observe the Reigate and Banstead Member Code of Conduct, as adopted by Horley Town Council from 1 July 2012. In a year which is not an election year, delivery by the Chairman 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 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;
  - ix. Review and adoption of appropriate Standing Orders and Financial Regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. 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;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;

- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also Standing Orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under the General Power of Competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Meeting of the Council.

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
- b **If the Chairman of the Council does not 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 shall be signed by the two Councillors.**
- c At least three days' notice shall be given for any Extraordinary meeting. The agenda shall set out the business to be considered at the meeting and no other business shall be transacted at that meeting.
- d The Chairman of a Committee or Sub-Committee may convene an Extraordinary meeting of the Committee or Sub-Committee at any time.
- e If the Chairman of a Committee or Sub-Committee does not call an Extraordinary Meeting within seven days of having been requested to do so by two members of the Committee, those two members of the Committee may convene an Extraordinary Meeting of the Committee or a Sub-Committee.
- f If the meeting is called by members, the statutory notice of the meeting must be signed by the members concerned and the business proposed to be transacted at the meeting must be specified.

## **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, 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) has been disposed of, no similar motion may be moved for 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. 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 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 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Proper Officer or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer at least seven clear business days before the next meeting of the Council.
- c The Proper Officer shall insert in the agenda for every meeting all notices of motion or recommendation, unless the member giving a notice of motion has stated in writing that they intend to move it at some later meeting or they withdraw it.
- d The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- e If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear business days before the meeting.

- f If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with 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.
- g If a resolution or recommendation specified in the agenda is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- h If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee, provided that the Chairman, if he considers it to be a matter of urgency, may allow the matter to be dealt with at the meeting at which it was moved.
- i Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties.
- j The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- k Motions received shall be recorded and numbered in the order that they are received.
- l Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **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 respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;
  - xiii. to exclude or silence 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 or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

## **11. MANAGEMENT OF INFORMATION**

*See also Standing Order 20*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s Retention Policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **12. DRAFT MINUTES**

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- 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).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph 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 view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
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- f Subject to the publication of draft minutes in accordance with Standing Order 12 (e) and Standing Order 20 (a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. CODE OF CONDUCT AND DISPENSATIONS**

*See also Standing Order 3 y*

- a All Councillors and Non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b Members are advised to undertake training in the Code of Conduct within six months of the delivery of their Declaration of Acceptance of Office.
- 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 a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- d 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.
- 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 a meeting of the Council, or Committee or Sub-Committee for which the dispensation is required and that decision is final.
- 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) , a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the beginning of the meeting of the Council, or Committee or Sub-Committee for which the dispensation is required.
- i **A dispensation may be granted in accordance with Standing Order 13 (f) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

#### **14. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the Borough Council that it is dealing with a complaint that a Councillor or Non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Council.
- b Where the notification in Standing Order 14 (a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 14 (d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Borough 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 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.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the Council, a Committee or a Sub-Committee,**
    - **serve on Councillors by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email); and**
    - **provide, in a conspicuous place, public notice of the time, place and agenda at least three clear days before a meeting of the Council or its Committees (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 (c) for the meaning of clear days for a meeting of a Full Council and standing order 3 (d) for the meaning of clear days for a meeting of a committee;*

- ii. subject to Standing Order 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least three days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold Acceptance of Office forms from Councillors;
- vii. hold a copy of every Councillor's Notification of Disclosable Pecuniary Interests and any changes to it and keep copies of the same available for inspection, as well as making the information available on the Town Council website;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- ix. liaise, as appropriate, on the Council's Data Protection matters;
- 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 23);*
- 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. keep electronic records of every Planning Application notified to the Council and the Council's response to the Local Planning Authority;
- xv. refer a Planning Application received by the Council to all members on receipt and escalate to the Planning Applications Sub-Committee if the nature of a Planning Application requires consideration before the next Planning Meeting and for later ratification at that meeting.
- xvi. manage access to the information about the Council via the Publication Scheme;
- xvii. receive and send correspondence on behalf of the Council and action or undertake any activity instructed by resolution;

## **16. RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate 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"
- 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 supply to each Councillor a monthly statement to summarise:
  - i. the Council's receipts and payments for each quarter;

- ii. the Council's aggregate receipts and payments for the year to date;
- iii. the balances held at the end of the quarter being reported; 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:
  - i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the Annual Governance and Accountability 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 apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft Annual Governance and Accountability Return shall be presented to all Councillors prior to anticipated approval by the Council. The Annual Governance and Accountability Return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- b The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

- c Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose at the first meeting of the Finance & General Purposes Committee in the municipal year with recommendations to Full Council for approval.
- d 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.
- e **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- f 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.
- g Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- h **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts**

**Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

- i A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Council or the Staff Committee is subject to Standing Order 11.
- b Subject to the Council's policy regarding absence occasioned by illness or other reason, the Clerk shall report such absence to the Council Chairman (or if unavailable, the Vice-Chairman of the Council) and the Staff Committee shall be notified of any extended period of absence of more than 4 weeks at its next meeting (as reflected in the Council's adopted Staff Handbook).
- c The Clerk shall upon a resolution conduct an annual review of work performance and appraisal for all members of staff (as reflected in the Council's adopted Staff Handbook).  
The Clerk's annual review of work performance and appraisal shall be conducted by the Council Chairman (as reflected in the Council's adopted Staff Handbook). The outcomes of such reviews shall be reported to the Staff Committee along with the annual review of staff salaries in line with National Salary Awards agreed by the National Joint Council for Local Government Services (NJC) with recommendations made to Full Council for approval (as reflected in the Council's adopted Staff Handbook).
- d As stipulated in the Council's adopted Staff Handbook on the handling of grievance matters, the Clerk shall contact the Council Chairman in the first instance or, in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and the matter shall be reported back to the Staff Committee and progressed by resolution of Full Council.
- e As stipulated in the Council's adopted Staff Handbook on the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chairman or Vice-Chairman, the matter shall be communicated by the Clerk to another member of the Staff Committee and progressed by resolution of Full Council.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- g In accordance with Standing Order 11 a, persons with line management responsibilities shall have access to staff records referred to in standing order 19 f.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also Standing Order 21*

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

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list)

*See also standing order 11.*

- a The Council shall implement a Data Protection Lead role with a dedicated email inbox for enquiries and all Councilors and staff will undertake responsibility during the course of their work.
- 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.

## **22. RELATIONS WITH 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 which is available to view on the Town Council website.
- b All Councillors and officers shall abide by the Press and Media Protocol, as well as, where appropriate, the Social Networking Policy which is available to view on the Town Council website.

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also Standing Order 15 b (xii)*

- a A Legal Deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b Subject to Standing Order 23 a., any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **24. COMMUNICATING WITH COUNTY AND BOROUGH COUNCILLORS**

- a At the beginning of the municipal year, a Schedule of the Council's Cycle of Meetings shall be sent to all County and Borough Councillors representing the Town Wards, with an open invitation to attend forthcoming Council Meetings, as displayed on the [Town Council's website](#) together with an agenda available to download in advance of the meeting.
- b Copies of all correspondence issued by the Town Council shall be sent to all County and Borough Councillors representing the Town Wards, as relevant.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no Councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a Standing Order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least six Councillors to be given to the Proper Officer in accordance with Standing Order 9.
- c The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible.
- d The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

**These Standing Orders were adopted by Horley Town Council at its Full Council Meeting held on 15 October 2019.**