

# List of standing orders

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# Leigh-on-Sea Town Council - Standing Orders

## 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded and a report with sufficient information to be used in the debate circulated in writing with the agenda.
- c A motion on the agenda that is not moved by its proposer or another Councillor may be treated by the Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer, or seconder, but only with the consent of the seconder or proposer.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the motion as amended becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- h A Councillor may move an amendment to his 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.

- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of a motion or an amendment has a right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall, with the advice of the Proper Officer if required, 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.
- q A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask that a person to be no longer heard or leaves the meeting;

- vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under Standing Order 1(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.
- u Any member who considers they will take longer than 5 minutes to present their views shall submit them in writing to the Proper Officer for circulation to 24 hours in advance of the meeting to enable members to consider the submission.

## 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 shall 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) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. Meetings generally

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

- a **Meetings shall not take place in the part of the premises which at the time of the meeting is used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice of 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.**
- ■ d **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.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above is at the Chairman's discretion and shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall speak only once and shall not speak for more than 3 minutes unless permitted to do so by the Chairman.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort).

The Chairman of the meeting may at any time permit a person to be seated when speaking.

- j A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.

- l **Filming, photographing or audio recording of proceedings, and/ or commentary on proceedings, for the purposes of reporting is allowed at any public meeting of the Council and its committees by any person attending. Any communication methods, including the internet, may be used to broadcast, transmit, publish, post or otherwise share this reporting with persons not present, either during the meeting or later.**

As a courtesy, those persons planning to make a visual or audio recording of proceedings and/ or commentary for broadcast, transmission or otherwise sharing, either during a meeting or later, are requested to liaise with the Town Clerk (or Council officer acting in that capacity) before the meeting begins. Officers will notify the meeting's Chairman, in order that all attendees can be informed before the recording, broadcast or transmission begins.

The Chairman of the meeting will ask for any recording, broadcasting or transmitting to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. In the case of disorderly conduct, persons may be excluded from public meetings, or public proceedings may be suspended in accordance with the relevant Standing Order/s.

**Recording for broadcast, transmission or otherwise sharing with persons not present, either during the meeting or later, must cease if the meeting resolves to move into confidential session as per the Public Bodies (Admission to Meetings) Act 1960. In these cases, the proceedings of the confidential session will be reported as per the provisions of that Act**

- m **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.**
- n **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 (if any).**
- o **The 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.**



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



q **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

r **Unless standing orders provide otherwise, voting on a question shall be by a show of hands** or, if at least two members so request, by signed ballot provided there has not been a request for a recorded vote. **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.

s The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of Councillors present and absent;
- iii. interests that have been declared by Councillors and non-Councillors with voting rights;
- iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters in which they held relevant interests were being considered;
- v. if there was a public participation session;
- vi. the resolutions made.

and may include a brief resume of any debate at the minute taker's discretion in consultation with the Chairman and a view expressed by a Councillor on his request should be included in the minutes.



t **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.**



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

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





- v **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. <sup>1</sup>
- w A meeting shall not exceed a period of 3 hours unless a motion is passed to suspend this Standing Order.

## 4. Standing Committees and sub-committees

- a **Unless the Council determines otherwise, a Standing Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.**
- b **The members of a Standing Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c Non-Councillor members of a Standing Committee may not vote on any financial matter or matters of Council policy.
- d The Council may appoint Standing Committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council;
  - iii. shall permit a Standing Committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to the provisions of this Standing Order, appoint and determine the terms of office of members of a Standing Committee;
  - v. shall, after it has appointed the members of a standing committee, adjourn the meeting to allow the standing committee to select its Chairman;
  - vi. shall determine the place, notice requirements and quorum for a meeting of a Standing Committee and a Sub-Committee which shall be no less than three;
  - vii. shall determine if the public may participate at a meeting of a Standing Committee;
  - viii. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
  - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - x. may dissolve a Standing Committee.

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<sup>1</sup> For Planning, Licensing & Highways see Terms of Reference

- e The Chairman and Vice Chairman of the Council will be ex-officio members of all Standing Committees and Sub-Committees unless they signify they do not wish to serve and if so signified the place shall be filled by the election of another member.

## 5. Project Development<sup>2</sup> Groups

- a) Every Standing Committee shall have a PDG (a discussion and not a decision making group) comprising the members of the Standing Committee to be chaired by the Chairman of the Standing Committee which shall meet and discuss matters relating to the Standing Committee and prepare reports and recommendations to the Standing Committee. These groups are not open to the public or press.
- b) Notice of a PDG is to be given to ALL Councillors preferably two weeks in advance of the proposed meeting date. Meetings will be held at the Town Council's offices.
- c) PDG's may co-opt members, not necessarily Councillors, either on an annual basis or for specific meetings. Any Councillor may attend and speak at any PDG meeting, even if not a member of that PDG.
- d) The Proper Officer or an appropriate officer will attend PDG meetings if available and required.
- e) Each meeting of a PDG will produce a written report for the Agenda of the next meeting of the relevant Standing Committee. If the Proper Officer or appropriate officer is present, they will produce the report, but if not, it is the responsibility of the PDG Chairman to write the report and send it to the Proper Officer.
- f) If the PDG requires action to be taken, it will make a recommendation to the relevant Standing Committee. That recommendation will be typed in bold within the report of the meeting, as in 5(a) above.
- g) In the event that there is a disagreement over PDG recommendations, or whether another person is co-opted, it will be decided by a vote of those members present, with the Chairman of the PDG having a casting vote.
- h) No power can be delegated to a PDG, (Council can only delegate power to Standing Committees, Sub-Committees or officers of the Council)
- i) The views of PDGs are advisory only but can aid in any decision making of Standing Committees and officers with delegated authority.

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<sup>2</sup> Full Council Minute 48/2016

- i. Each Committee will have a PDG which can meet at any time but preferably with 2 weeks' notice.
- ii. The PDG will comprise all members of the Committee if they wish to attend. It will be chaired by the parent Committee Chairman unless the Chairman wishes to relinquish the chair to another member who may be a more appropriate chair for the specific subject matter that the PDG was discussing.
- iii. All other members of the Council can attend and co-option of non-Councillors applies.
- iv. If a project requires more research within the PDG and some members are willing to do this then it may be undertaken independently, meeting together if they wish. The Town Clerk and PDG Chairman should be advised. The research is then to be brought back to the PDG for wider discussion and possible recommendations. It was noted that it already exists that at any time Councillors can undertake independent research and recommendations to a Committee without formal regulations and over prescriptive procedures. The new Committee administration system introduced last year was an example of this. The Council DID NOT RESOLVE the proposal put forward by Cllr Fraser. The Council RESOLVED the recommendation of P&RC and approved the revised Standing Orders and Terms of Reference as resolved by the Committee with the interpretation as in this minute.

## 6. Ordinary Council meetings

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- 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.** Additional meetings of the Council shall normally take place on Tuesdays as per the timetable approved annually at the Annual Council Meeting.
- 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 any, unless he resigns 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 **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.**
- i **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.**
- j **Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Council Meeting, the business of that meeting 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. 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 Standing committee;
- IV. Consideration of the recommendations made by a Standing committee;
- V. Review of delegation arrangements to Standing Committees, Sub-Committees, staff and other local authorities;
- VI. Review of the terms of reference for committees;
- VII. Appointment of members to existing committees;
- VIII. Appointment of any new committees in accordance with standing order 4 above;
- IX. Review and adoption of appropriate standing orders and financial regulations;
- X. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- XI. Review of representation on or work with external bodies and arrangements for reporting back;
- XII. In an election year, to make 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 assets including buildings and office equipment;
- XIV. Confirmation of arrangements for insurance cover in respect of all insured risks;
- XV. Review of the Council's and/or staff subscriptions to other bodies;
- XVI. Review of the Council's complaints procedure;
- XVII. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- XVIII. Review of the Council's policy for dealing with the press/media; and
- XIX. Determination of the time and place of ordinary meetings of the Council and committees up to and including the next annual meeting of full Council.

## **7. Extraordinary meetings of the Council and Standing 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 or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**
- c The Chairman of a Standing Committee [or a Sub-Committee] may convene an extraordinary meeting of the Standing Committee [or the Sub-Committee] at any time.
- d If the Chairman of a Standing Committee or a Sub-Committee does not or refuses to call an extraordinary meeting within 7 clear working days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the Standing Committee or Sub-Committee may convene an extraordinary meeting of a Standing Committee and a Sub-Committee. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

## **8. 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 10 below, or by a motion moved in pursuance of the recommendation of a Standing Committee or a Sub-Committee.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## 9. 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.

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c A motion may not go direct to Council, unless the Proper Officer and the Chairman agree that the matter is of such urgency that it cannot go through the committee process.
- d If a motion specified in the agenda is not moved either by the member who gave notice of it or by any other Councillor, it shall, unless postponed by the Council be treated as withdrawn and shall not be moved without fresh notice.
- e If a motion fails at Standing Committee, it will be recorded as such in the minutes. When the Standing Committee minutes are reported to Council, the mover of the motion may ask that the matter be reconsidered and voted upon. For the sake of clarification, the minutes of the meeting which contain the failed motion shall constitute the written notice under SO 10(a) and the mover of the motion shall give prior notice to the Chairman of the relevant Standing Committee.
- f The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.

- g If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
- h 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.
- i Subject to standing order 10(h) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- j Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- k Motions rejected shall be recorded in a book for that purpose with the explanation by the Proper Officer for their rejection.

## **11. 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 determine matters arising from the consideration of reports from officers, Standing Committees or Sub-Committees which are included in the agenda;
  - v. to refer a motion to a particular Standing Committee or Sub-Committee;
  - vi. to appoint a person to preside at a meeting;
  - vii. to change the order of business on the agenda;
  - viii. to proceed to the next business on the agenda;
  - ix. to require a written report;
  - x. to appoint a Standing Committee or Sub-Committee and their members;
  - xi. to extend the time limits for speaking;
  - xii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xiii. to not hear further from a Councillor or a member of the public;
  - xiv. to exclude a Councillor or member of the public for disorderly conduct;
  - xv. to temporarily suspend the meeting;



- xvi. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvii. to adjourn the meeting; or
- xviii. to close a meeting.

## 12. Questions

- a A Councillor may seek an answer to a question concerning any business of the Council provided 5 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 during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

## 13. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c When a meeting is convened to discuss items under SO 24(a) all matters discussed shall be confidential to the members at the meeting and shall not be disclosed to any other Councillor, Staff Member or the public, any disclosure will constitute a breach of confidentiality.

## 14. Draft minutes

- a The draft minutes of a preceding meeting will be placed on the Council's website immediately they are produced. Hard copies shall be served on Councillors with the Council agenda and 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 11(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 Upon 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.

## 15. Code of conduct and dispensations

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

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b 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.
- c Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **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.
- e 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.
- f Subject to standing orders 15(d) and (e) above, dispensation requests shall be

considered by the Chairman and Vice Chairman of Council before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

- g A dispensation may be granted in accordance with standing order 15(f) above if having regard to all relevant circumstances the following applies:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. granting the dispensation is in the interests of persons living in the Council's area or**
  - iii. it is otherwise appropriate to grant a dispensation.**

## 16. Code of conduct complaints

- a Upon notification by the Unitary 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 13 above, report this to the Council.
- b Where the notification in standing order 16(a) above 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 15(d) below].
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the Unitary 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.**

## 17. Proper Officer

- a The Proper Officer shall be either (i) the town clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

- b The Proper Officer of the Council is under a statutory duty to carry out all the functions required by law of a local authority's Proper Officer. The Proper Officer is totally responsible for ensuring that the instructions of the Council in connection with its functions as a Local Authority are carried out.

The Proper Officer is expected to advise the Council on, and assist in the formation of, overall policies to be followed and to implement constructively all decisions. The Proper Officer is accountable to the Council, not to any individual or group of Councillors, for the effective management of all its resources and will report to the Council as and when required or its Standing Committees.

- c The Proper Officer shall:

**at least three clear days before a meeting of the Council, a Standing Committee and a Sub-Committee serve on Councillors a summons, by email or post on request at their residences, confirming the time, place and the agenda** provided any such notice contains the signature (electronic or otherwise) and title of the Proper Officer.

*See standing order 3(b) above for the meaning of clear days for a meeting of a full Council and standing order 3 (c) above for a meeting of a committee.*

- i. **give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a Standing Committee or a Sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**

*See standing order 3(b) above for the meaning of clear days for a meeting of a full Council and standing order 3(c) above for a meeting of a committee.*

- ii. subject to standing order 10 above, include on 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;
- 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. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xi. arrange for legal deeds to be executed;  
*See also standing order 27 below.*
- xii. 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;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
  - xiv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning, Licensing and Highways Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning, Licensing and Highways Committee;
  - xv. manage access to information about the Council via the publication scheme; and
  - xvi. retain custody of the seal of the Council which shall not be used without a resolution to that effect.  
*See also standing order 27 below.*
  - xvii. Keep proper records required before and after meetings.
- d If the wording or subject of a proposed agenda item is considered unlawful or 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 item shall be included in the agenda or rejected.
- e The Proper Officer shall decide as to whether or not to include this item on the agenda and his decision shall be final.

## 18. 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.

## 19. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each Councillor at every Council meeting a statement to summarise:
  - i. the Council's receipts and payments made since those approved at the previous meeting;
  - ii. the Council's aggregate receipts and payments for the year to date;
  - iii. the balances currently held and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends. Similar

statements to those above will be supplied to Standing Committees at their meetings.

- 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 for the period since those approved at the previous meeting and the year to date for information; and
  - ii. to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
  
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

## 20. Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 20(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000
  
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
  
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 20(d) below and must satisfy the requirements of the Public Contracts Regulations 2015 which include use of the Contracts Finder website to advertise contract opportunities, set out the procedures to be**

**followed in awarding new contracts and to publicise the award of new contracts.**

- d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer; 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;
  - v. Tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract exceeds thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>3</sup> the full requirements of The Public Contracts Regulations 2015, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract.**

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<sup>3</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

## 21. Estimates / Precepts

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

## 22. Canvassing of and recommendations by Councillors

- a. Canvassing Councillors or the members of a Standing Committee or Sub-Committee, directly or indirectly, for appointment by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b. A Councillor or a member of a Standing Committee or Sub-Committee shall not solicit a person for appointment by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 23. 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 Standing Committee or a Sub-Committee, and request a copy for the same purpose. The minutes of meetings of the Council, its Standing Committees or Sub-Committees shall be available for inspection by Councillors.

## 24. Handling staff matters

- a. A matter personal to a member of staff that is being considered by any meeting of Council is subject to standing order 13 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Personnel sub-committee or, if he is not available, the vice-Chairman of the Personnel sub-committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel sub-committee at its next meeting.



- c The Chairman of the Personnel sub-committee or in his absence, the vice-Chairman together with the Chairman and Vice Chairman of Council shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk and RFO. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel sub-committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the Personnel sub-committee or in his absence, the vice-Chairman of the Personnel sub-committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel sub-committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Chairman or vice-Chairman of the Personnel sub-committee, this shall be communicated to another member of the Personnel sub-committee, which shall be reported back and progressed by resolution of the Personnel sub-committee.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 24(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 24(f) and (g) above shall be provided only to the Town Clerk and/or the Chairman of the Personnel sub-committee.

## 25. Requests for information

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

## 26. Relations with the press/media

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

## 27. Execution and sealing of legal deeds

*See also standing orders 17(c)(xi) and (xvi) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 27(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.**

## 28. Communicating with Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the Unitary Council (Principal Authority – PA) representing the area of the Council.
- b If the Council so orders, a copy of each letter sent to the PA shall be sent to the PA Councillor representing its electoral ward.
- c Any decision taken by the Council or a Standing Committee which requires contact with the PA shall be effected by the Town Clerk or his nominated officer.
- d Contact by Councillors with PA officers, unless authorised by the Council or a Standing Committee, shall be restricted to information and clarification only.

## 29. Restrictions on Councillor activities

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

## 30. Complaints Procedure

- a. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Standing Committee, as appropriate, for consideration.
- b. This procedure does not cover complaints about the conduct of a Councillor (refer Standing Order 16).
- c. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Proper Officer of the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
- d. The complainant will be asked to put the complaint in writing to the Proper Officer of the Council at 71-73 Elm Road, Leigh-on-Sea, Essex SS9 1SP. The complaint will be dealt with within 35 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
- e. If the complainant prefers not to put the complaint to the Proper Officer of the Council (because the matter relates to the Proper Officer, for example,) he should be advised to write to the Chairman.
- f. (a) On receipt of a written complaint, the Proper Officer of the Council (except where the complainant is about his own actions) or Chairman (if the complaint relates to the Proper Officer), will seek to settle the complaint directly with the complainant. This will not be

done without first notifying any person complained about and giving him an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the Proper Officer of the Council or a Councillor receives a written complaint about the Proper Officer's actions, he or she shall refer the complaint to the Chairman. The Proper Officer of the Council will be formally advised of the matter and given an opportunity to comment.

- g The Proper Officer of the Council (or Chairman) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
- h The Proper Officer of the Council (or Chairman) will report any complaint that has not been resolved to the next meeting of the Council. The Proper Officer will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
- i Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures (refer Standing Order 24).
- j The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
- k The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
- l As soon as possible after the decision has been made (and in any event not later than 10 clear working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
- m The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

- n The Council will set up a complaints register.

## 31. Delegation

- a. Where the next scheduled meeting of the Council is after the date when the Council is requested to either reply to a consultation document, or to nominate a representative to an outside body, the power to act shall be delegated to the appropriate Standing Committee. Where a decision is required before the committee can be convened then the power to act shall be delegated to the Proper Officer in consultation with either the Chairman or Vice-Chairman of Council and either the Chairman or Vice-Chairman of the appropriate Standing Committee.
- b. Power shall be delegated to the Proper Officer in consultation with the Chairman and Vice-Chairman of Planning, Licensing and Highways Committee to negotiate with licensing applicants and/or their agents, and to rescind or amend the decision of the Planning, Licensing and Highways Committee in the light of new information, satisfactory reassurances, undertakings or explanations in writing. All such decisions are to be reported to the next meeting of P&RC
- c. In the event that a Standing Committee or Sub-Committee meeting is not quorate, power shall be delegated to the Proper Officer to respond to any consultations, and take decisions, up to the limit of the power of that Standing Committee or Sub-Committee, including responding to planning applications, in consultation with those Standing Committee or Sub-Committee members present. The Proper Officer to report any such decisions or actions to the next ordinary meeting of the committee or sub-committee.
- d. When carrying out their duties under delegated authority granted to them by the Council officers will act within the parameters set by the Council's standing orders and financial regulations.

## 32. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory

requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with standing order 10 above.
- c 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 two-thirds of the Councillors at a meeting of the Council vote in favour of the same.
- d The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form.
- e 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 Council on the 19th July 2016**

**Reviewed and adopted by Council May 2017**