

Sandwich Town Council Standing Orders Working Group Meeting



Agenda

Chair: Cllr Black
Councillors: Breen, Csuka, Gray and Pennington

Members are hereby cordially invited to attend a Standing Orders Working Group Meeting in the Council Chamber, Guildhall on **Thursday 15th June 2023 at 12:45** to transact the business on the agenda below.

Date: **9th June 2023**
Gill Gray: Interim Town Clerk

1	Apologies for absence received:	
2	Declarations of interest: To receive any declarations of disclosable pecuniary interests from Members in respect of business to be transacted on the agenda.	
3	Minutes of the SO Working Group To receive and approve the minutes as an accurate record of the SO Working Group meeting held on 8 th June 2023 and to consider any matters arising from those minutes not covered elsewhere in this Agenda: Decision required	Attach 1
4	Public Participation: A 15-minute session is set aside for members of the public to make representations at the meeting in respect of the business on the agenda. Individual representations should not exceed 3 minutes. (Written notice of the desire to exercise the right to speak, together with the topic to be addressed, must be given to the Interim Town Clerk prior to 4pm on the Monday preceding the meeting).	
5	Standing Orders Members to continue to work on the draft Standing Orders.	Attach 2
6	Report to Full Council Members are asked to consider how a report on progress to date should be presented to the Council, which aspects should be highlighted, and seek Council's agreement for further work by the Working Group.	
7	Date of next SO Working Group Meeting: TBC	

Attachment 1.

Draft notes of WP on Standing Orders held on 8/6/23

1. Present

In Attendance:

Cllr Ian Black (Chair) IB

Cllr Peter Breen PB

Cllr Emmet Csuka EC

Cllr Nicholas Gray NC

Cllr Martin Pennington MP

Ms. Christina Glynn (CG) was present to video the proceedings, and also contributed to the discussions.

Mr. R Scruton (RS) attended the public participation session, and also contributed to the discussions

No other members of the public attended

2. Apologies for Absence. None.

3. Public Participation.

Mr. Scruton has long experience of Kent Association for Local Government (KALC) and the National Association for Local Government (NALC). Rather than speak from the floor, he was invited to join the discussions along with CG.

4. Working Document – Attachment 2

4.1 The meeting centred around the draft document produced by PB, based on the work NG had started before the first meeting of this WP. PB's document uses tracked changes to record the outcome of the discussions, and also to note points the Council will be asked to decide upon.

5. Open discussion

5.1 Although most of the meeting focussed around 4.1 above, some additional issues were discussed.

5.2 RS explained his long-standing relationship with NALC, and that he wished to focus on the recommendations from this body. In his view, this was the best way forward, especially to ensure that future legislative changes etc. were easily incorporated in Sandwich's future document controls and updates. **The meeting made no decision on this at this stage.**

5.3 PB and EC suggested a method of document control and review: this was **agreed and incorporated** into the working document.

5.4 NG agreed to undertake a review of the Nalc suggestions and section 2.2 of the working document

5.5 There was some discussion about the "Responsible Financial Officer" (RFO) role, and whether this was also a "Proper Officer" as determined by legislation. Assuming the role is one of a Proper Officer (which the WP thought it was), it **needs to be defined in the Standing Orders.**

5.6 There was a long discussion about the Notice period to convene Committees, Sub-committees and working Parties. The legislation for Council Meetings' notice is clear, but other meetings' arrangements are discretionary. Some members argued for a longer notice period than the current 3 days: after discussion it was **proposed** that a table be produced to clarify the notice periods of each type of meeting to be adopted by STC, **subject to Saturday being retained as a working day for notice purposes, and a minimum of 3 days notice, and a stated objective of seeking to give at least 5 days notice wherever practicable.** Members wished to give the public more notice of future meetings to allow for greater participation, but recognised that in some cases the minimum notice would need to operate.

5.7 RS asked about a corresponding change to the notice required for the public participation and speaking. It had been agreed previously that the current arrangements were unsatisfactory, and out of alignment with the existing meetings' notice requirements.

5.8 It was **agreed** these issues in 5.6 & 5.7 above would be drawn to STC's notice at an early occasion.

5.9 The WP again re-iterated that it believed a clearly constituted Human Resources Committee was required. This would be a committee with clear membership, and clear responsibilities. The working document would note that not all deliberations of the HRC needed to be confidential. Thus, for example, a new grading structure or a new organisation structure could be discussed at council meetings, and that only confidential, individual matters needed the automatic exclusion of all but committee members.

5.10 It was important that the duties in the job description for the Town Clerk were in accord with 2.3.3. of the working document.

5.11 There was a long discussion about when Committee Chairs should be appointed. Current STC documents are contradictory. The choices discussed were

1. Appoint at the Annual Town Council meeting (the statutory one, not the Open meeting) This might work well if the committee members were all known in advance, and were content about the nomination of a Chair. However, if there were many new councillors, and the committee membership was not fully established, this might "force" a Chairperson on a committee when that person did not command full support of the committee members.
2. Committee members appoint a Chair at the committee's first meeting. This has the downside of leaving the "personnel" committee without members until all the committees had met.

Overall, this WP were more in favour of the second approach, but recognised the full Council might prefer the first.

5.12 There was an unresolved debate about whether or not public participation speakers should be "mentored" or otherwise supported by a Councillor. The WP view was that it would depend on the circumstances of the speaker. There was also a need for clarity about

who could actually speak at Public Participation. It was agreed these matters should be deferred until the public participation protocol was discussed.

6. Next meeting

It was agreed the next meeting of this WP would be held on 15th June from 1245 to 1445.

Draft

Sandwich Town Council

Standing Orders

[Insert
Town Crest]

<u>Version</u>	<u>Date 8 June WG second meeting</u>
<u>Drafted</u>	<u>Standing Orders Working Group June 2023</u>
<u>Reviewed (At Annual Town Council Meeting)</u>	
<u>Adopted by Council</u>	
<u>Next Review Due</u>	

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1 Introduction

1.1 Use of Standing Orders

- 1.1.1 These Standing Orders incorporate the statutory Standing Orders applying to Town, Parish and Community-level councils, and additional clauses which we, the Council, feel will enable and promote the following:
- a. Smooth running of meetings;
 - b. Appropriate and positive engagement by the community in meetings;
 - c. Clarity on the role of the Chair of the Council, Vice-chair and Committee Chairs;
 - d. Rules on voting;
 - e. Information management, including minutes and accessible information under relevant law;
 - f. Roles of the Town Clerk as Proper Officer.?
- 1.1.2 **Statutory clauses are integrated into the relevant sections of these Standing Orders and are shown in bold typeface.**
- 1.1.3 Throughout these Standing Orders 'written' is deemed to include email or other digital forms of communications.
- 1.1.4 The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their acceptance of office form, and they shall be published as part of the Council's Scheme of **Publication**.
- 1.1.5 Where, ~~from time to time~~, the Council defines policies ~~on certain matters, these shall have the same effect as these Standing Orders, should there be~~ excepting that where there is any disagreement in the terms ambiguity, inconsistencies or conflict between of those policies, these Standing Orders shall take precedence.

Commented [PB1]: What about RFO?

Commented [PB2]: Information commissioner's office template?

2 Roles

2.1 Chair and Vice-chair of the Council

~~2.1.1 Where, from time to time, the Council defines policies on certain matters, these shall have the same effect as these Standing Orders, excepting that where there is disagreement in the terms of those policies, these Standing Orders shall take precedence.~~

~~2.1.22.1.1~~ A Chair of the Council is required by the Local Government Act 1972 (LGA 1972) (Part 1, Section 15), and will fulfil the roles and responsibilities required by that Act.

~~2.1.32.1.2~~ The Chair of the Council is elected by members of the Town Council at the Annual Meeting of the Council. It is expected within Sandwich, the roles of the Chair of the Council and the Mayor will be fulfilled by the same person.

~~2.1.42.1.3~~ The Chair of the Council has no direct powers or privileges beyond those of an ordinary Councillor. ~~The Chair cannot take decisions or actions as an individual.~~

~~2.1.52.1.4~~ The Chair will:

~~The Mayor and Deputy Mayor will be elected at the annual Mayor making meeting of the Town Council in May.¹ The Mayor will have the following duties with the Deputy Mayor deputising as required.~~

- ~~• To Chair meetings of the full Council.~~
- ~~• To be the civic figurehead for the town.~~
- ~~• To attend ceremonial events on behalf of Sandwich Town Council.~~

- ~~a. Chair Full Council Meetings.~~
- ~~b. Work with the Town Clerk and Councillors to develop and propose to Council the strategic direction and policy objectives of the Council.~~
- ~~c. Not alter the strategic direction of the Council.~~
- ~~d. Work with the Town Clerk to ensure the strategic direction and operational of the Council are working effectively.~~

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¹ The Local Government Act of 1972 Sch 12 Clause 7 (1) requires a Council to hold an annual meeting in May (within 14 days of an election in an election year, at which the first item of business is to be the election of a Mayor (Chair)).

- e. ~~Work with the Town Clerk to negotiate on behalf of the Council with other local authorities and organisations to deliver the strategic direction and policy objectives.~~
- f. ~~Discuss with relevant Committee Chairs the purpose of any negotiation and report the outcome to Council or the relevant committee.~~
- g. ~~Discuss with the Town Clerk, on a regular basis, the operational work of the Council and issues within the town.~~
- h. ~~Be asked for advice by the Town Clerk when making significant decisions.~~
- i. ~~Be briefed by the Town Clerk of any upcoming meetings with external organisations.~~
- j. ~~Make the Town Clerk aware of any upcoming meetings with external organisations.~~
- k. ~~Undertake other roles as may be defined in Council Policies or by resolution.~~

2.1.62.1.5 The Council will ~~also appoint~~**elect** a Vice-chair who will fulfil the roles and responsibilities required by that Act in the event that the Chair is not available

2.1.72.1.6 The Chair and Vice-chair have only such powers as are granted under the LGA 1972—the roles confer no other special privileges.

2.2 Statutory provisions relating to the Chair and Vice-chair

- 2.2.1 **The Chair, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until a successor is elected at the next annual meeting of the Council.**
- 2.2.2 **The Vice-chair, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair at the next annual meeting of the Council.**
- 2.2.3 **In an election year, if the current Chair has not been re-elected as a member of the Council, s/he shall preside at the meeting until a successive Chair has been elected. The current Chair shall not have an original vote in respect of the election of the new Chair but must give a casting vote in the case of an equality of votes.**
- 2.2.4 **In an election year, if the current Chair has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chair has been elected. S/he may exercise an original vote in respect of the election of the new Chair and must give a casting vote in the case of an equality of votes.**
- 2.2.5 **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-chair of the Council.**
- 2.2.6 **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-chair, if present, shall preside. If both the Chair and the Vice-chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

2.3 Proper Officer

2.3.1 The Proper Officer shall be known ~~generally~~ as the Town Clerk;

2.3.2 In the event of a short term absence, the Chair or Vice-Chair shall nominate another member of staff, normally the Responsible Finance Officer, to deputise for the Town Clerk. In the event of a long term absence or resignation, an interim Town Clerk shall be ~~Another staff member~~ nominated by the Council, will undertake the role of the Town Clerk during the Town Clerk's absence.

2.3.3 The Proper Officer, and other Officers of the Council will hold (or be working towards) such qualifications as to confer upon the Council the General Power of Competence;

2.3.3 The Proper Officer shall:

- a. **at least three clear days before a meeting of the Council, or a committee, (excluding Sunday and Bank holidays) serve on Councillors by delivery or post at their residences or 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);**
- b. **give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee, excluding Sunday and Bank holidays, (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by the relevant Councillors);**

(The minimum three clear days' notice 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. **convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office;**
- d. **receive and retain copies of byelaws made by other local authorities;**
- e. **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.**
- f. **facilitate inspection of the minutes of meetings by local government electors, other than when agenda items are considered pursuant to the provision of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for the following items of business by reason of the confidential nature of business to be transacted, when minutes remain confidential;**
- g. **implement decisions of the Council via delegated authority;**

- h. have overall managerial responsibility for service delivery
- i. have overall managerial responsibility for staff recruitment (including the drafting of job descriptions) and management, while alterations to the corporate staff structure and changes to staff grading will be resolved by the ~~Personnel Group~~ Human Resources Committee
- j. ~~provide objective advice on all matters;~~ Advise the Council and Committees on the legality and correctness of actions and policies and interpretation of standing orders in order that a first-class system of governance is established
- k. Liaise with other bodies in order to identify and keep abreast of important issues in the town.

Commented [PB3]: Human Resources Committee to be confirmed by Council

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The Proper Officer shall endeavour to give 5 days notice of meetings of the Council, Committee, Sub-committee or Working Group

3 Structure of the Council

3.1 Committees

- 3.1.1 The Council shall, at the Annual Town Council meeting, or otherwise as required and subject to a proper motion, appoint such committees as it deems necessary, and confirm the remit, Terms of Reference, levels of authority, meeting dates and membership.
- 3.1.2 Each committee shall have the number of members determined by the Council such that it can effectively conduct its business and achieve a quorum.
- 3.1.3 The Chair of the Council shall be an ex-officio member of each committee unless otherwise agreed at the Annual Town Council meeting.
- 3.1.4 Unless a Committee Chair has already been elected at Full Council, committee members will elect a Chair and Vice-chair of their respective committee, who shall hold office until the next Annual Town Council Meeting, unless a motion is passed at full Council to remove them.

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- 3.1.5 Committees are empowered to take decisions within the powers and duties defined in the relevant Committee Terms of Reference documents.
- 3.1.6 Councillors other than committee members may attend meetings of each committee, may participate in discussions, but may not vote.

3.2 Removal, addition of and changes to committees

- 3.2.1 If a committee is no longer required to fulfil its stated Terms of Reference, the Full Council may vote to disband the committee, ~~and disburse~~ or reserve its powers and allocated its duties to other committees or the full Council.
- 3.2.2 Council may form further committees at any Full Council meeting and may appoint members to those committees at that time. The newly appointed Chair/Vice-chair will only hold office until the next Annual Town Council meeting, at which point all committee membership will be subject to review.
- 3.2.3 The Council may review and amend the membership and Terms of Reference of committees by resolution in a Full Town Council meeting.

3.3 Appointment of non-Councillors to Committees

- 3.3.1 The Council recognises the role that members of the wider community can play in the business of the Council.
- 3.3.2 The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council. Non-Councillors may be appointed by vote of the members of that committee, on the basis that;
 - a. They add additional expertise to the work of the committee;
 - b. They have been subject to a selection process which may be defined by the Council;
 - c. They have declared any interests, pecuniary or otherwise, in a way consistent with requirements on elected members of the Council;
 - d. They are not permitted to vote on any matter
- 3.3.3 Any relationship of a proposed non-Councillor appointee to a committee to an elected Councillor shall be reported to the Proper Officer in any case prior to their acceptance of appointment.
- 3.3.4 **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 3.3.5 A register of non-Councillor members of committees, ~~including registered interests and expertise~~ will be maintained by the Proper Officer.

3.4 ~~Proposals from Committees~~

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~~3.4.1 Any individual member of the public may make a proposal for a consideration by committee, and the Council will provide a suitable process to assist with that proposal. In the first instance, the proposal should be addressed to the committee in which Terms of Reference it falls.~~

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~~3.4.2 All proposals whether from individuals members of the public or a Councillor, will be assigned a Councillor as mentor who will assist with drafting the proposal and guiding it through the process.~~

~~3.4.3 All proposals with a financial requirement above the assigned annual budget and/or spending cap for each Committee, as agreed by full Town Council shall be brought before the full Town Council for scrutiny. Proposals for financial commitments in excess of £10,000, or which require a loan to be taken will be presented to and considered by Full Town Council.~~

4 Meetings

4.1 Notice of meetings

4.1.1 Notice of meetings shall be as given in section 2.3.

4.1.2 **Subject to standing order 4.1.3., 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 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. [Further detail is given in the Sandwich Town Council Filming and Recording Policy and the Sandwich Town Council Behaviour Policy].**

4.1.3 A person present at the meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

4.2 Statutory Annual Meeting

- 4.2.1 The Statutory Annual Meeting shall be held;
- a. In an election year, on or within 14 days following the day on which the new Councillors elected take office;
or
 - 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.
- 4.2.2 If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.
- 4.2.3 The first item at the Statutory Annual Meeting shall be the election of the Chair followed by the election of the Vice-chair of the Council in order to fulfil requirements under section 2.1 of these Standing Orders and the LGA 1972.
- 4.2.4 Following election of the Chair of the Council and Vice-chair (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:

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- a. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
- i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their 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 standing committees.
 - v. Review of delegation arrangements to standing committees, Working Groups, staff and other local authorities.
 - vi. Review of the terms of reference for committees.
 - vii. Appointment of members to existing standing committees and Working Groups.
 - 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 the 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 s.137 of the Local Government Act 1972 or the general power of competence.

Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

- ~~In an election year, delivery by the Chair of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date,~~
- ~~b. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date.~~
- ~~c. Review of delegation arrangements to committees, working parties, staff and other local bodies;~~
- ~~d. Appointment of members to existing committees;~~
- ~~e. Appointment of any new committees in accordance with section 3.1 above;~~
- ~~f. 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];~~
- ~~g. Review of the Council's and/or staff subscriptions to other bodies;~~
- ~~h. Review and agreement of Councillors' representation on external bodies;~~
- ~~i. Determine the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.~~

4.3 Other meeting requirements

4.3.1 **The Council will hold a minimum of three other meetings in the year; those other meetings shall be held at such an hour and on such days as the Council may determine.**

4.3.2 **Extraordinary meetings of the Council may be called:**

- a. **By the Chair at any time;**
or
- b. **Upon receipt of a requisition signed by two Councillors, to the Chair or Proper Officer and stating the business to be transacted, no other business being allowed.**
- c. The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee at any time)

4.3.3 **If the Chair does not call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

4.3.4 **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.**

4.3.5 Wherever possible, meeting venues shall be fully accessible for all people to participate fully in meetings

4.3.6 Meetings will finish within 2 hours except by agreement of all Councillors present and the Proper Officer.

4.3.7 Minutes, including any amendments to correct their accuracy shall be confirmed by resolution and every page shall be signed and dated by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate. Every page shall be numbered.

4.3.8 Minutes shall include a summary record of public participation at a meeting.

4.4 Quorum requirements

4.4.1 **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.**

4.4.2 **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.**

4.4.3 Committees shall not be quorate unless three or more Councillors with voting rights are present.

4.4.4 In the event that a member declares a disclosable interest in respect of a specific agenda item, such that the meeting becomes inquorate, that item will be deferred to the next meeting, or to such and other meeting as will be determined by the Council or the Committee.

4.4.5 To that end, all members of meetings will be asked to disclose interests as early as possible in proceedings to allow for agendas to be adjusted.

4.5 Voting

4.5.1 **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.**

- 4.5.2 **Unless standing orders provide otherwise, voting on a question shall be by a show of hands [or cards]. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and with voting rights gave his vote for or against that question.**
- 4.5.3 In addition, voting by the Council in relation to the following matters shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question;
- a. Motions in respect of the calling of local referenda;
 - b. Motions in respect of the transfer of assets to control (direct or indirect) of the Council by another body;
 - c. Motions in respect to strategic documents, business plans, the Neighbourhood Plan, or documents of similar nature as decided by the Chair.
- 4.5.4 Voting in committees shall be limited to members of the Council as given in section 3.3.2d.
- 4.4.5 The Code of Conduct and Behaviour Policy adopted by the Council shall apply to Councillors and non-Councillors in respect of the entirety of meetings.
- 4.5.6 **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not s/he gave an original vote.**
- 4.5.7 **A 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 their right to participate and vote on that matter.**
- 4.5.8 A member of the Council who is not an assigned member of that committee or acting as an official substitute (as approved by the committee chair), is entitled to attend and discuss items on the agenda at any committee meeting, but only as a non-voting member.
- 4.5.9 Only members of a committee and official substitutes have voting rights.

4.6 Absence from Council meetings

- 4.6.1 At every meeting the first business shall be to elect a Chair for the meeting if both the Chair and Vice-chair are absent. Substitute Committee members shall not be permitted to act as Chair.
- 4.6.2 Councillors who miss six consecutive months of any full Council or Committee meetings of which they are a member must have the reason approved by Full Council within the six-month period. The Council can also extend the 6-month period with good reason under this clause.

4.7 Absence from Committee meetings and substitutions

- 4.7.1 If a Committee member knows that that they will be absent from a meeting, they may, by prior agreement with the Chair of that Committee, request that another member of the Council acts as their substitute on that committee for that meeting only. Such an arrangement is deemed desirable if the meeting would otherwise not be quorate.
- 4.7.2 The absent member shall in any case be recorded as giving apologies for that meeting, and a note of the substitution made in the record.

5 Public involvement in meetings

- 5.1.1 Public involvement is central in the promotion of democratic government—access to meetings is a right for all members of our community, both in terms of physical access to the meeting itself, and wider accessibility of Council proceedings. However, the Council's Behaviour Policy may result in members of the public being asked not to attend Council meetings for a specified period of time if their behaviour is considered unacceptable. Conduct of Councillors and consequent actions are covered in section 8.1.
- 5.1.2 **All 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, subject to Section 4 of these Standing Orders. The public's exclusion from all or part of a meeting shall be by resolution which shall give reasons for the public's exclusion.**
- 5.1.3 At the Chair's discretion, individual members of the public shall be provided with the opportunity to speak for not more than 5 minutes each on a subject which is relevant to the agenda of that meeting at the time indicated in the agenda or as determined by the Chair of the meeting, including Committee meetings, subject to;
- a. A request being made to the Clerk of that meeting to speak, including the subject of the question or statement being made (which may be via email in advance, or ahead of the published start time of that meeting);
 - b. The Chair of the meeting granting a request to speak, if made at the meeting ;

- c. Disclosure of any relevant interest they have in relation to the matter they wish to discuss (for example, membership of an interest group² proximity to a proposed development or such);
 - d. The total time allocated to public questions and statements will not exceed 30 minutes except at the discretion of the Chair of the meeting.
- 5.1.4 Where it is apparent that multiple individuals wish to speak on the same subject, and taking account of differing views, the Chair may request that a spokesperson be selected by those speakers to represent them, rather than allow all individuals to speak.
- 5.1.5 Members of the public may be invited to speak during an agenda item where they provide additional information. Committee members shall receive the Chair's assent prior to directly engaging a member of the public, although assent should only be withheld where there would be significant detriment to the running of the meeting.
- 5.1.6 **The press shall be provided reasonable facilities for the taking of a report of all or part of a meeting at which they are entitled to be present.**
- 5.1.7 By acceptance of these Standing Orders, Councillors consent to the recording or broadcasting of meetings by analogue or digital means.
- 5.1.8 Where a meeting is to be recorded or broadcast in any format, clear notice will be given of this to members and to the public.
- 5.1.9 With respect to meetings organised by the Council for the specific purpose of public engagement, outside of standard meetings, these Standing Orders will apply only insofar as is required to meet statutory requirements and ensure the smooth running of the meeting.

6 Conduct of meetings and debate

6.1 Motions not requiring notice

- 6.1.1 Motions in respect of the following matters may be moved without written notice to the Proper Officer:
- a. To appoint a person to preside at the meeting;
 - b. To correct an inaccuracy or approve the accuracy of the minutes of the previous meeting;
 - c. To dispose of business, if any, remaining adjourned from the previous meeting;

²

¹ for the purposes of 5.1.3.c interest groups are defined as any group, whether constituted or not, body corporate or not, that consists of 3 or more individuals or companies that wish to express an opinion on a matter or matters under consideration by the Council.

- d. To alter the order of business on the agenda for reasons of urgency or expediency;
- e. To put a motion to the vote in relation to any agenda topic;
- f. To refer by formal delegation a matter to a Committee, sub-committee or an officer;
- g. To note the minutes of a Committee or sub-committee;
- h. To consider a report and/or any recommendations made by a committee, sub-committee, officer, professional expert, advisor or consultant;
- i. To authorise legal deeds to be sealed by the Council's common seal and witnessed;
- j. To amend the wording of a motion before it is put to the vote;
- k. To give leave to withdraw a motion or an amendment before it is put to the vote;
- l. To defer consideration of a motion and proceed to the next business on the agenda;
- m. To conduct a consultation with residents who are directly affected by any specific measure;
- n. To exclude the public and press (See Section 7.3 of these Standing Orders);
- o. To not-hear or eject from the meeting a person for disorderly conduct. (See Section 6.5);
- p. To require a written report;
- q. To extend the time-limits for speaking;
- r. To suspend any Standing Order except those which are mandatory by law;
- s. To temporarily suspend, close or adjourn the meeting;
- t. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

6.2 Motions requiring notice

- 6.2.1 All motions except those listed under Section 6.1 require written notice of no less than 7 clear days to be given to the Proper Officer, to allow its inclusion in the Agenda such that it will have public notice.
- 6.2.2 The Proper Officer shall maintain a record of all motions received for a meeting.
- 6.2.3 Motions to amend Standing Orders, or to remove the Chair, Vice-chair or assignment of membership to a committee are reserved to Full Council, and the Chair of the Council will be informed of the receipt of such motions without undue delay.
- 6.2.4 The Proper Officer, in consultation with the Chair or conveners of the meeting, may only reject a motion on the basis of;
 - a. Lack of clarity or legibility;
 - b. Irrelevance to the Terms of Reference of the meeting;
 - c. Unlawful or improper subject or wording.
- 6.2.5 The Proper Officer will set out in the Summons for each meeting all notices of motion or recommendation in an order agreed with the Chair of the meeting.

- 6.2.6 Any motion may be withdrawn by the member proposing it, or a deferral sought, up to and including during the meeting, by written or verbal notice to the Chair.
- 6.2.7 Any motion which is not moved during the meeting without notice having been given under 6.2.6 will be considered withdrawn and will not automatically be deferred.
- 6.2.8 Any motion which falls under the Terms of Reference of a committee will be referred by the Council to that committee unless the Chair deems it to be a matter of urgency, or the matter has been referred by that committee.
- 6.2.9 Every motion, recommendation and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

6.3 Rules of debate

- 6.3.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the discretion of the Chair of the meeting.
- 6.3.2 All motions require a proposer and seconder. The Chair may require the motion to be provided in writing at their discretion, even if proposed during the meeting.
- 6.3.3 Once proposed, any member may request an amendment to the words of the motion; the proposer may only propose the withdrawal or amendment of the motion by agreement with the seconder.
- 6.3.4 Amendments shall not rescind the original motion proposed.
- 6.3.5 One motion or amendment will be discussed at a time.
- 6.3.6 The Chair will determine the order of speakers and will, at their discretion set a time-limit on both individual contributions and the whole debate.
- 6.3.7 Members and other permitted contributors will conduct themselves appropriately and respectfully of each other, and attention is drawn to the Portishead Town Council Behaviour Policy, Member and Officer Protocol and the Nolan Principles.
- 6.3.8 The proposer of a motion or amendment shall have the right to reply prior to the matter being put to the vote.
- 6.3.9 A member raising a point of order will refer to the specific provision of these Standing Orders. The decision of the Chair on a point of order is final.
- 6.3.10 When a motion is under debate no other motion shall be moved except the following:
 - a. To amend the motion;

- b. To put the motion to the vote;
- c. To adjourn the debate and proceed with business;
- d. To refer a motion to a committee or to the Council, as appropriate for consideration;
- e. To take any actions on exclusion from the meeting subject to Section 6.5 or Section 7.1;
- f. To suspend any standing order, except those which reflect statutory requirements.

- 6.3.11 Any member may move to put the motion to a vote, providing that the Chair is satisfied that sufficient time has been allowed for debate and allowing for the Proposer's rights under section 6.3.8.
- 6.3.12 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- 6.3.13 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.

6.4 Temporary suspension of Standing Orders

- 6.4.1 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.
- 6.4.2 Having due regard to the advice of the Proper Officer or Clerk, the decision of the Chair on the application of Standing Orders is final.

6.5 Disorderly Conduct

- 6.5.1 No person including members shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or if a member, in such a manner as to bring the Council into disrepute.
- 6.5.2 Any member deemed by the Chair to be unfit to take part in proceedings, through alcohol or other substances, will be asked to leave the meeting and further action may be taken under the Code of Conduct.
- 6.5.3 If, in the opinion of the Chair, a person has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any member may move that the person named be no longer heard or that the person named leaves the meeting, and the resolution, if seconded, shall be put forthwith and without discussion.
- 6.5.4 If any of the resolutions mentioned in Standing Order 6.5 are contravened, the Chair may suspend the meeting or take such further steps as may reasonably be

necessary to enforce them as set out in the Sandwich Town Council Behaviour Policy.

7 Confidential matters

7.1 Handling confidential information

- 7.1.1 No member of the Council, where a member is either a Councillor or an officer, shall disclose to any person not a member of the Council any information which they believe to be confidential, or which was provided to them in circumstances that would normally give rise to that belief.
- 7.1.2 In discussions with other members, members will at all times consider whether others 'need to know' the information and refrain from sharing information outside of that need, accepting that there will in many cases be a legitimate public interest in sharing information.
- 7.1.3 Members will ensure that any materials with protective markings of 'Restricted' or 'Private and Confidential' are treated as such and shall follow any further instructions or policy that the Council may define on the handling of such information.
- 7.1.4 If they believe that such a marking is inappropriate or is no longer relevant, the Proper Officer may agree with the Chair to disclose such documents.

7.2 Information Security

- 7.2.1 Councillors and Officers of the Council shall take all due precautions to ensure the security and integrity of information that they receive or create in the course of their duties. These may include;
 - a. Using only systems provided by the Town Council for official Council business, except where otherwise agreed with the Proper Officer;
 - b. Taking due care of those systems, including following instructions from Council staff or contractors in respect of security and other software updates;
 - c. Refraining from the use of portable media such as USB flash drives;
 - d. Installation or use of encryption technologies;
 - e. Undertaking such training as is identified by the Town Council as providing an appropriate level of knowledge on matters relating to information security and privacy.
 - f. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**

- g. 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 the encryption of personal data.**
- h. The Council shall have in place, and 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 this 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).**
- i. 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.**
- j. Councillors, staff, Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- k. The Council shall have a written policy in place for responding to and managing a personal data breach.**
- l. 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. 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.**
- m. The Council shall maintain a written record of its data processing activities.**

7.3 Confidentiality within meetings

- 7.3.1 The press and public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion; 'That in accordance with the Public Bodies (Admission to Meetings) Act 1960, such that it would be prejudicial to the Public Interest by reason of the confidential nature of the business to be transacted, the meeting resolves that the public and press will be temporarily excluded'.
- 7.3.2 Such resolutions shall only be permissible within these Standing Orders where;
 - a. The Council has a duty under Law (for example as employer) to individuals whose personal data or other confidential information is required to be, or is likely to be discussed;
 - b. The Council is otherwise bound by law or compliance with a contract that requires a matter to be discussed confidentially in line with the 1960 Act.
- 7.3.3 Records of matters discussed in confidential session will remain confidential while the reason for confidentiality remains extant, subject to the Freedom of Information Act 2000, the Data Protection Act 1998 and other relevant laws of England and Wales.

- 7.3.4 Discussion in relation to any aspect of employee relations with Town Council staff, collectively or individually, shall be referred to a meeting of the Personnel Group. Such agenda items will be considered confidential to the members of that committee, and other members will be asked by the Committee Chair to vacate the room for those items, pursuant to section 7.1.5.

8 Code of conduct and declaration of interests

8.1 Code of conduct

- 8.1.1 All members of SandwichTown Council are bound by the 'Code of Conduct for Members'.
- 8.1.2 Suspected breaches of the Code of Conduct will be referred to Dover District Council Monitoring Officer and reported to the Council.
- 8.1.3 **Upon notification by Dover District Council that a Councillor or non-Councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against that individual. Such action excludes disqualification or suspension from office.**
- 8.1.4 The Council reserves the right to suspend or permanently remove, by motion at a meeting, any office held by that member including Chair, Vice-chair or membership of a committee, where it deems that doing so is necessary for the protection of the dignity of the office held or failure to do so would bring the Council into disrepute. This may be irrespective of any final decision by the Monitoring Officer.

8.2 Disclosure of interests

- 8.2.1 **A Councillor with voting rights who has a disclosable pecuniary interest in relation to any item of business being transacted at a meeting may**
- a. **make representations,**
 - b. **answer questions and**
 - c. **give evidence relating to the business being transacted but must, thereafter, leave the meeting before the vote, or not engage in the voting process if it is not practical to leave.**

8.3 Dispensations in respect of disclosable interests

- 8.3.1 **Dispensation requests shall be in writing and submitted to the Proper Officer** or if this is not possible, verbally at the start of the meeting for which the dispensation is required.

- 8.3.2 **A dispensation may be granted in accordance with the above if having regard to all relevant circumstances the following applies:**
- a. **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**
 - b. **granting the dispensation is in the interests of persons living in the Council's area or**
 - c. **it is otherwise appropriate to grant a dispensation.**

8.4 Other Restrictions on Councillor activities

- 8.4.1 Councillor shall claim to represent the Council without a resolution authorising them to do so.
- 8.4.2 Unless authorised by a resolution, no Councillor shall inspect any land and/or premises/which the Council has a right or duty to inspect/investigate; or issue orders/ instructions or directions.
- 8.4.3 No Councillor shall represent their personal view in any forum or meeting as the expressed view of the Council unless such has been expressed by a resolution of the Council in a meeting.
- 8.4.4 Unless authorised by a resolution, no individual Councillor will act in the name or on behalf of the Council, a committee or a sub-committee unless delegated to do so by Council.

9 Financial controls and deeds

9.1 Financial regulations

- 9.1.1 **Responsible finance 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 (section 9.1.2).**
- 9.1.2 **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2015 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with UK Government public procurement rules.**
- 9.1.3 **A public contract regulated by the Public Contracts Regulation 2015 with an estimated value in excess of £25,000 but less than the relevant threshold in**

Section 9.1.2 is subject to Regulations 109 – 114 of the Public Contracts Regulations 2015, which includes 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, unless it proposes to use an existing list of approved suppliers (framework agreement).

- 9.1.4 **A public contract regulated by the Public Contracts Regulation 2015 with an estimated value in excess of £189,930 for a public service or a supply contract or in excess of £4,733,252 for a public works contract 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 the OJEU.**
- 9.1.5 **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 portal airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

9.2 Execution and sealing of legal deeds

- 9.2.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 9.2.2 **Subject to Section 9.2.1 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.**

10 Responsibility to provide information

- 10.1.1 **In accordance with the Freedom of Information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests on information held by the Council.**
- 10.1.2 **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements – England) Regulation 2015.**