



**WITNEY**  
TOWN COUNCIL

## **STANDING ORDERS**

Adopted:

Review Date:

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## **1. Office Holders of the Council**

- a) **The Chair, known as the Town Mayor, who shall chair meetings of the Council** and be an ex-officio voting member of every committee and carry out civic duties as required.
- b) **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office, and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**

- c) The Vice-Chair, known as the Deputy Town Mayor, who shall deputise for the Mayor in all duties in the Mayor's absence.
- d) **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**
- e) **The Vice-Chair of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- f) The Leader of the Council, who shall be an ex-officio voting member of every committee.
- g) The Deputy-Leader, who shall deputise for the Leader in all duties in the Leader's absence.

## **2. Election of Mayor Elect/Designate**

- a) At the council meeting prior to the annual meeting of the council, the Mayor designate shall be appointed for the forthcoming year.

## **3. Proper Officer**

- a) The Proper Officer shall be either the (i) Town Clerk/Chief Executive Officer or (ii) other staff member(s) appointed by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b) The Proper Officer shall:
  - i. **at least three clear days before a meeting of the Council, a committee, or a sub-committee,**
    - **serve on Councillors by 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), and**
    - **Provide, in a conspicuous place, a public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the council convened by Councillors is signed by them).**

Clarification on notice periods is as follows:

**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.**

**The minimum three clear days' notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

- ii. subject to SO **x**, include on the agenda all motions in the order received unless a Councillor has given written notice at least **x** days before the meeting confirming withdrawal of it.
- iii. convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under data protection legislation in accordance with the council's policies and procedures;
- ix. liaise, as appropriate with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority.
- xv. refer a planning application received by the Council to the Chair, Vice-Chair and/or the Planning committee to facilitate a response if the nature or deadline of the consultation requires consideration before its next ordinary meeting. In such case, the details shall be raised as an agenda item at the next ordinary meeting to formalise the response.
- xvi. manage access to information about the council via the publication scheme; and
- xvii. retain custody of the seal of the council which shall not be used without a resolution to that effect.

#### 4. Delegation of Urgent and Routine Matters

- a) There shall be delegated to the Town Clerk/Chief Executive Officer the authority to act  
in respect of any function of the council on a matter, which in their opinion does not admit of delay or is routine. This delegated authority shall only be exercised in consultation with the Chair or Vice-Chair of the committee or sub-committee within whose terms of reference the particular function lies.
- b) Each exercise of delegated authority under this standing order shall be reported for information to the next meeting of the committee or sub-committee within whose terms of reference the particular function lies and to Council.
- c) The Town Clerk/Chief Executive Officer shall notify all members of any action taken under this standing order.
- d) The delegations in this standing order are in addition to and without prejudice to the powers of the council or its committees to arrange for the discharge of any of its functions by a sub-committee or an officer.

#### 5. Meetings

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

- a) **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.** ●
  - i. Meetings of the Full Council shall be held at the Corn Exchange at 7pm on a Monday unless the Council decides otherwise.
  - ii. Committee meetings shall generally be held at the Corn Exchange at 6pm on a Monday unless the Council decides otherwise. The exception being the Climate, Biodiversity & Planning meeting which shall generally be held at 6pm on a Tuesday unless the Council decides otherwise.
- b) **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.** ●●
- c) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- d) The period of time designated for public participation at a meeting in accordance with standing order **x** shall not exceed twenty minutes unless directed by the chair of the meeting.
- e) Subject to standing order **x**, a member of the public shall not speak for more than five minutes
- f) In accordance with standing order **x**, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- g) A person shall raise their hand when requesting to speak and remain silent until directed by the Chair and may stand when speaking if they choose to do so;
- h) Whenever the Chair rises during a debate all other members shall be seated and silent;
- i) A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- j) Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- k) **Subject to standing order **x**, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. ●●**
- l) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission. ●●**
- 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) **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council 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. ●**
- o) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting. ●●●**
- p) **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 he gave an original vote. ●●●**

- q) **Unless standing orders provide otherwise, voting on a question shall be by a show of hands ay council, committee or sub-committee. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. ●
- r) The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent with apologies received;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made
- s) **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 their right to participate and vote on that matter.** ●●●
- t) **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 x for the quorum of a committee or sub-committee meeting.*

- u) Six members shall constitute a quorum of the Council, but a motion to suspend or amend this standing order shall not be moved without written notice signed by twice as many members as constitute the quorum.
- v) If, after ten minutes a Quorum is not present, **or 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.

●●●

- w) A meeting shall not exceed a period of two hours unless it has been specifically agreed by that meeting.

## **6. 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 Chair of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f) If an amendment to the original motion is carried, the original 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 Chair of the meeting, is expressed in writing to the Chair.
- h) A councillor may move an amendment to their own motion if agreed by the meeting, If a motion has already been seconded, the amendment shall be with the consent of the seconder at 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 Chair of the meeting.
- j) Subject to Standing Order **x**, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k) One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted on separately.
- l) A Councillor may not move more than one amendment to an original or substantive motion.
- m) The mover of an amendment has no right to reply at the end of the debate on it.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have the right to reply either at the end of debate on the first

amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o) Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on the 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 they 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 on a motion, a councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q) A point of order shall be decided by the Chair of the meeting and their 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 debate;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the press and public;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s) Before an original or substantive motion is put to the vote, the Chair 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 their right to reply.
- t) Excluding motions moved under standing order **x**, 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 Chair of the meeting.

## 7. 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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b) If person(s) disregard(s) the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made under paragraph (b) above is ignored, the Chair 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.

## 8. Committees and Sub-committees

- a) **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by that committee.**
- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c) The Mayor and Leader of the Council shall be an ex-officio member with voting rights on all committees.
- d) **Unless the Council determines otherwise, all the members of an advisory committee and sub-committee of the advisory committee may be non-councillors.**
- e) The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in the respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to Standing Order **x** and **x**, appoint and determine the terms of office of members of such a committee;
  - v. may, subject to Standing Order **x** and **x**, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer (or appointed officer) 7 days before the meeting that they are unable to attend;

- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- vii. every committee shall at its first meeting elect a Vice-Chair, who shall hold office until the next annual meeting of the council
- viii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
- ix. shall determine the place, notice requirements and quorum for a meeting of the committee and a sub-committee which, in both cases, shall be no less than three;
- x. the Chair of the committee shall be a member of every sub- committee appointed by it unless wishing not to serve and such is recorded in the minutes of the committee appointing the sub- committee;
- xi. shall determine if the public may participate at a meeting of the committee;
- xii. 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, are required for the meeting of a sub-committee;
- xiii. shall determine if the public may participate at a meeting of the sub-committee that they are permitted to attend;
- xiv. may dissolve a committee or a sub-committee;
- xv. may appoint sub-committees for purposes to be specified by the committee but such sub-committee shall submit all recommendations to the committee unless power to act has been granted by the council for a specified purpose;
- xvi. the standing orders on rules of debate (except those parts relating to standing and to speaking more than once), voting and the standing order on interests of members and the code of conduct shall apply to committee and sub-committee meetings in so far as they are appropriate.
- xvii. In the event that an in-person meeting cannot be held, or if the business of the meeting is subject to a time limit set by statute and delegation is given to a committee under its terms of reference, it may be held virtually as an Advisory Committee with the same rules of debate as other committees. Any recommendations being affirmed at the full meeting of that committee, Full Council or under delegations to the Town Clerk/CEO.

## **9. Ordinary Council Meetings**

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

- c) **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d) **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e) **The first business shall be to elect a Chair** (Town Mayor, see standing order 4) **the Vice-Chair** (Deputy Town Mayor) and the Leader and Deputy Leader of the Council.
- f) **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.**
- g) **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- h) **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- i) Following the elections and appointments at paragraph **x** above, the business at the annual meeting shall include:
  - i. **in an election year, delivery by the Town Mayor 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 their acceptance of office form unless the council resolves for this to be done at a later date;**
  - ii. to receive apologies for absence;
  - iii. to receive any declarations of interests;
  - iv. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
  - v. confirmation of the accuracy of the minutes of the last meeting of the council;
  - vi. Receipt of the minutes of the committee cycle and consideration of its recommendations (if appropriate);
  - vii. appointment of members to committees, working parties, advisory committees, and outside organisations;

- viii. review of delegation arrangements to committees, sub-committees, staff, and other local authorities;
- ix. review of the terms of reference for committees;
- x. appointment of any new committees in accordance with standing order **x**;
- xi. to review and adopt appropriate standing orders, financial regulations and other Council policies;
- xii. review of representation on or work with external bodies and arrangements for reporting back;
- xiii. review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses
- xiv. in an election year, to review the Council's eligibility to exercise the general power of competence.

## **10. Order of Business at Ordinary Meetings**

- a) After the first business has been completed at meetings other than the annual meeting, the order of business, unless the Council decides otherwise on the ground of urgency, shall be as follows:
  - i. to receive apologies;
  - ii. to receive any declarations of interests;
  - iii. **to approve and adopt the minutes as a correct record in accordance with standing order 18;**
  - iv. **to deal with business expressly required by the statute to be done before any other business;**
  - v. to consider any requests for public participation in accordance with standing order **x**;
  - vi. to receive and agree the Committee minutes including considering recommendations;
    - 1. The Chair shall propose that the minutes of the Council be approved as a correct record and seek a seconder;
    - 2. The Chair shall go through the minutes to allow members to raise any points of accuracy;
    - 3. No motion or discussion shall take place upon the minutes except upon their accuracy;
    - 4. The Chair shall sign the minutes;
    - 5. The Chair shall then page through the minutes for questions to the Leader of the Council as to the progress of any item;

6. Subject to the publication of draft minutes and resolution which confirms their accuracy, the draft minutes, or recordings of the meetings for which approved minutes exist shall be destroyed at the earliest opportunity.
- vii. to receive the Mayor's report;
- viii. to dispose of business, if any, remaining from the last meeting;
- ix. to agree the schedules of financial payments recommended by the Policy, Governance & Finance Committee;
- x. to receive such communications as the Leader of the Council may wish to bring before the Council and to consider the recommendation of the Leader on how such communications should be dealt with;
- xi. to consider motions in the order in which they have been notified;
- xii. to consider any other matters specified in the summons, including reports from officers;
- xiii. to receive correspondence for information;
- xiv. questions to the Leader of the Council in accordance with standing order **x**;
- xv. to authorise the sealing of documents;
- xvi. to consider confidential and exempt matters.

## **11. Extraordinary Meetings of the Council, Committees & Sub-committees**

- a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chair of the Council does not call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the council. The public notice giving the time, place, and agenda for such a meeting shall be signed by the two Councillors.**
- c) The Chair of a Committee or Sub-Committee, in consultation with the Proper Officer, may convene an extraordinary meeting at any time.

## **12. Special Committee Meetings**

- a) The Chair of a committee or a sub-committee may convene a special meeting of the committee or the sub-committee at any time.
- b) If the Chair of a committee or a sub-committee does not or refuses to call a special meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee and the

sub-committee may convene a special meeting of that committee and a sub-committee.

### **13. Working Parties and Task & Finish Groups**

- a) The Council may from time to time appoint working parties or groups to deal with a specific function or project.
- b) Membership and terms of reference of such working parties or groups, including possible external membership, the number required for a quorum and voting rights, shall be determined at their formation.
- c) The provisions relating to committees and sub-committees in standing orders will apply, with the exception of standing order **x** and **x** which provides for the Mayor and Leader being ex-officio voting members of every committee.

### **14. Presence of non-members of Committees and Sub-committees at Meetings**

- a) A Member who has proposed a motion which has been referred to any committee of which they are not a member, may explain their motion to the committee but shall not vote.
- b) Any Member shall, unless the council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which they are not a Member and may speak if so invited but shall not vote.

### **15. 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 four members of the council to be given to the Proper Officer in accordance with standing order **x** above, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b) When a motion moved pursuant to standing order **x** above has been disposed of, no similar motion may be moved within a further six months.

### **16. Representation on Outside Bodies – Termination of Membership**

- a) The appointment of Members of the Council to outside bodies in their capacity as a Member of the Town Council shall, subject to the rules of that body, terminate if the Member appointed ceases to be a Member of the Council.

### **17. 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 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 Chair of the meeting.

**18. Motions for a Meeting that Require Written Notice to be Given to the Proper Officer**

- a) A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b) 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) The Proper Officer may, before including a motion on the agenda received in accordance with standing order **x**, correct obvious grammatical or typographical errors in the wording of the motion.
- d) If the Proper Officer considers the wording of a motion received in accordance with standing order **x** is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g) Motions received shall be recorded and numbered in the order in which they are received and entered in a book which shall be open for inspection by any member of the Council.
- h) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i) The Clerk/Chief Executive Officer shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

- j) If a motion specified in the summons is not moved at the meeting, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- k) If the subject matter of a motion comes within the responsibility of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chair, if they considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

## **19. Motions at a Meeting that do not require written notice**

- a) The following motions may be moved at a meeting without written notice to the proper officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion or matter to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct in accordance with standing order x;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## **20. Motions on Expenditure**

- a) If any motion proposed, would, in the opinion of the Chair, if carried substantially increase the expenditure upon any service which is under the management of, or reduce the revenue at the disposal of any committee, or would involve capital expenditure, it shall, when proposed and seconded stand adjourned without discussion until such time as any committee affected by it and the Policy, Governance & Finance Committee has reported on the matter.

## **21. Inspection of Documents**

- a) A Member may for the purposes of their duty as such (but not otherwise), inspect any document relevant to such purpose in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy

## **22. Questions**

- a) A Member of the Council may ask the Leader of the Council any question concerning the business of the Council. Any such questions shall be put when the item "Questions to the Leader of the Council" is reached.
- b) A Member of the Council, with or without notice, may ask the Chair of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
- c) Every question shall be put and answered without debate.
- d) A person to whom a question has been put may decline to answer.
- e) Where the desired information to a question is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the reply is indicated.
- f) Where the reply to any question cannot be conveniently given orally it shall be deemed a sufficient reply if the answer is circulated to the members of the Council with the minutes of the Meeting at which the question has been asked.

## **23. Handling Staff Matters**

- a) A matter personal to a member of staff that is being considered by a meeting of the Council is subject to standing order (management of information)
- b) All persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- c) If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the council, it shall not be considered until the council or committee (as the case may be) has decided whether or not the public and press shall be excluded

## **24. Management of Information**

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

## **25. Public Participation**

- a) For all meetings of the Council and its standing committees, an item entitled "public participation" shall be included on the agenda for that meeting immediately after "minutes"
- b) Members of the public may speak for a maximum of five minutes each during the period of public participation. Matters raised shall relate to items on the agenda for that particular meeting.
- c) Following submission by a member of the public, any Member of the Council may, through the Chair, ask questions of the person(s) concerned for clarification purposes or on points of information.
- d) Any question from the member of the public shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- e) A person who speaks at a meeting shall direct their comments to the Chair of the meeting.

- f) Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking. If more than one person wants to speak on the same or a similar issue, they shall elect one person to speak on their behalf.
- g) The Chair may move the order of business be altered to take the matter on which the public has made representations immediately after the minutes of the meeting have been approved, or in such other place as seems appropriate.
- h) Total public participation lasts no longer for 25 minutes. Questions not answered within that period will receive a written reply.

## 26. Draft Minutes

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

- a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order **x**
- c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the chair 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 chair 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 this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

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

minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **27. Presentation of Committee Minutes**

- a) At each ordinary meeting of the council every standing committee shall present reports and recommendations in the form of draft minutes of any meeting held since the previous ordinary meeting of the council.
- b) The Committee Chair, or the member presenting the minutes, shall page through the minutes, and members may ask questions for answering.
- c) The Committee Chair, or member presenting the minutes, shall then propose that the minutes be adopted, and once seconded shall be discussed and dealt with by the council.
- d) Where an amendment is proposed prior to the adoption of the minutes by the council, the subject of any such amendment shall be discussed and disposed of before the adoption of the minutes are considered by the council.
- e) In moving the adoption of the minutes, the mover is deemed to have moved the minutes in their entirety and all paragraphs and recommendations contained therein shall be deemed to have been adopted unless any amendment thereto has been moved.
- f) Paragraphs which do not contain recommendations, or which relate to matters specifically and fully delegated to standing committees, may be discussed but no motion shall be considered other than a motion as to the future work of a committee in such matters.

## **28. Code of Conduct and Dispensations**

- a) All councillors or and non-councillors shall observe the code of conduct adopted by the Council.
- b) All Councillors will observe the NALC Civility & Respect Pledge taken by the town council.
- c) Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they have the interest.
- d) Unless they have been granted a dispensation, a councillor or no-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- e) **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

- f) A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- g) A dispensation request shall confirm;
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- h) Subject to paragraphs (e) and (g) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- i) **A dispensation may be granted in accordance with paragraph (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;**
  - 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.**

## **29. Code of Conduct Complaints**

- a) **Upon notification by West Oxfordshire District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## **30. 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.

## **31. Accounts and Accounting Statements**

- a) 'Proper practices' in standing orders refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioner's Guide.'

- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. The Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. The Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. The balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. Each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. To the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration or approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March.
- f) A completed draft annual governance and accountability return shall be presented to all Councillors at least 7 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **32. 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. Whether contracts with an estimated value below £60,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- a) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
  - b) 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. Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
    - iv. Tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for the 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.
  - c) Neither the Council, nor a Committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
  - d) Where the value of the contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules.**

### **33. General Power of Competence**

- a) Before exercising the general power of competence, a meeting of the full council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under

standing order **x** above was made and expires on the day of the annual meeting of the council that takes place in a year of ordinary elections.

- c) After the expiry of its preceding period of eligibility, the council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the council's preceding period of eligibility referred to in standing order **x** above

#### **34. Responsibilities to Provide Information**

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

#### **35. Responsibilities under Data Protection Legislation**

- a) The Council may appoint a Data Protection Officer;
- b) **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data;**
- c) **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d) **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e) **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f) **The Council shall maintain a written record of its processing activities.**

#### **36. 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.

### **37. Execution and Sealing of Documents**

- a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b) **Subject to standing order x 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 and Town Mayor.**

### **38. Signature of Documents**

- a) Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Town Clerk, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such attestation.

### **39. Canvassing of Recommendations by, and Relationship to Members**

- a) Canvassing of Members or of any committee, directly or indirectly, for any appointment under the council shall disqualify the candidate for such appointment. The Proper Officer shall make known this sub-paragraph to every candidate.
- b) A Member of the Council shall not solicit for any person any appointment under the council or recommend any person for such appointment or for promotion, but, nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.
- c) If a candidate for any appointment under the council is to their knowledge related to any Member of, or the holder of any office under, the council, they and the person to whom they are related shall disclose the relationship in writing to the Proper Officer. Any breach of this standing order is to be reported to the council.
- d) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **40. Restrictions on Councillor Activities**

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

#### **41. Standing Orders Generally**

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements and are in bold type, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 13 above.
- c) A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council, and if so directed, upon a report of the Policy, Governance & Finance Committee.
- d) The scheduled review of Standing Orders shall be initiated by the Proper Officer and once proposed and seconded, will stand adjourned without discussion to the next ordinary meeting of the Council and, if so directed, upon a report to the Policy, Governance & Finance Committee (as the only exception to standing order x)
- e) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible.
- f) The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.