



WITNEY
TOWN COUNCIL

STANDING ORDERS

Reviewed October 2022

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WITNEY TOWN COUNCIL STANDING ORDERS

1. TIME OF MEETINGS

Meetings of the Full Council shall be held at the Corn Exchange at 7pm on a Monday unless the Council decides otherwise.

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.

2. ANNUAL MEETING OF THE COUNCIL

- (a) In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- (b) In a year which is not an election year, the annual meeting of a council shall be held on such a day in May as the council may direct.**
- (c) If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

3. ORDINARY MEETINGS

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.

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. 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) **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.**
- (e) The Leader of the Council, who shall be an ex-officio voting member of every committee.
- (f) The Deputy-Leader, who shall deputise for the Leader in all duties in the Leader's absence.

5. ELECTION OF MAYOR DESIGNATE

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

6. COUNCIL MEETING – CHAIR

- (a) **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.**
- (b) **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 his absence be done by, to or before the Vice-Chair of the Council.**

7. EXTRAORDINARY COUNCIL MEETINGS

- (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 or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the council. The public notice giving the time, place, and agenda for such a meeting shall be signed by the two Councillors.**

8. PROPER OFFICER

- (a) The Proper Officer shall be either the Town Clerk/Chief Executive Officer or other staff member appointed by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- (b) The Proper Officer shall:
- (c) **At least three clear days before a meeting of the Council, a committee, or a sub committee,**

- i. **Serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a summons confirming the time, date, place, and the agenda (provided the Councillor has consented to service by email), and**
- ii. **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:

Full Council Meetings

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.

Committee Meetings

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.

- iii. include on the agenda all motions in the order received unless a Councillor has given written notice before the meeting confirming withdrawal of it.
- iv. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- v. **facilitate inspection of the minute book by local government electors;**
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from Councillors;
- viii. retain a copy of every Councillor's register of interests;
- ix. respond to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- 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 Climate, Biodiversity & 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 formalize the response.
- xvi. manage access to information about the council via the publication scheme;
- xvii. retain custody of the seal of the council which shall not be used without a resolution to that effect.

9. QUORUM

- (a) **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.**
- (b) **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.
- (c) If, after 10 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.

10. VOTING

- (a) **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 at voting.**

See standing order 4 and 11 for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- (b) **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.**
- (c) **Unless standing orders provide otherwise, voting on a question shall be by a show of hands at council, committee, and sub-committee meetings;**

- (d) **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 item.** Such record shall also show members present but abstaining from voting.
- (e) Any member may request immediately after a vote has been taken that the minutes record the way they cast their vote.
- (f) Subject to (f) and (g) below the Chair may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not they gave an original vote.
- (g) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term of office, they may not give an original vote in an election for the Mayor.
- (h) The person presiding must give a casting vote whenever there is an equality of votes in an election for the Mayor.

11. ORDER OF BUSINESS AT ANNUAL MEETING OF THE COUNCIL

- (a) **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.
- (b) **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.**
- (c) **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.**
- (d) Following the elections and appointments at paragraph 11(a) 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 Town Mayor 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 any 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 30;
- 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. in an election year, to review the Council's eligibility to exercise the general power of competence.

12. ORDER OF BUSINESS AT ORDINARY MEETINGS

- (a) **The Chair of the Council, if present, shall preside at the meeting. If the Chair is absent from the meeting, the Vice Chair of the Council 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 (as the first item of business).**
- (b) 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 42;
- vi. to receive and agree the Committee minutes including considering recommendations;
- 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 15;
- xv. to authorise the sealing of documents;
- xvi. to consider confidential and exempt matters.

13. NOTICES OF MOTION

- (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 13(a), 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 13(a) 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 he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

14. MOTIONS MOVED WITHOUT NOTICE

- (a) Resolutions dealing with the following matters may be moved without written notice to the proper officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to approve the minutes;
 - iii. to move to a vote;
 - iv. to defer consideration of a motion;
 - v. to refer a motion or matter to a particular committee or sub-committee;
 - vi. to appoint a person to preside at a meeting;

- vii. to amend a motion, or to withdraw a motion or amendment;
- viii. to change the order of business on the agenda;
- ix. to proceed to the next business on the agenda;
- x. to require a written report;
- xi. to appoint a committee or sub-committee and their members;
- xii. to extend the time limits for speaking;
- xiii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xiv. to not hear further from a councillor or a member of the public;
- xv. to exclude a councillor or member of the public for disorderly conduct in accordance with standing order 22;
- xvi. to temporarily suspend the meeting;
- xvii. to suspend a particular standing order (unless it reflects mandatory statutory requirements) to allow a free and open debate;
- xviii. to adjourn the meeting;
- xix. to close a meeting.

15. 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.

16. RESPECT FOR THE CHAIR

- (a) A member must raise their hand to speak and remain silent until directed by the Chair and may stand when speaking if they choose to do so;
- (b) Whenever the Chair rises during a debate all other members shall be seated and silent

17. POINT OF ORDER AND PERSONAL EXPLANATION

- (a) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith.
- (b) A point of order shall relate only to the alleged breach of a standing order or statutory provision and the member shall identify the standing order or statutory provision and the way in which they consider it has been broken.
- (c) A personal explanation shall be confined to some material part of a former speech by the member, which may appear to have been misunderstood in the present debate.
- (d) The ruling of the Chair on a point of order and on the admissibility of a personal explanation shall not be open to discussion.

18. MINUTES OF THE COUNCIL

- (a) The minutes of the meeting shall include an accurate record of the following:
 - I. The time and place of the meeting
 - II. The names of the councillors who are present and the names of the councillors who are absent with apologies received
 - III. Interests that have been declared by councillors with voting rights
 - IV. The grant of dispensations (if any) to councillors with voting rights
 - V. Whether a 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
 - VII. The resolutions made
- (b) The Chair shall propose that the minutes of the Council be approved as a correct record and seek a seconder.
- (c) The Chair shall go through the minutes to allow members to raise any points of accuracy.
- (d) No motion or discussion shall take place upon the minutes except upon their accuracy.

- (e) The Chair shall sign the minutes.
- (f) The Chair shall then page through the minutes for questions to the Leader of the Council as to the progress of any item.
- (g) 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.

19. 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.

20. RULES OF DEBATE

Motions and Amendments

- (a) A motion or amendment shall be proposed and seconded before it is debated and if the Chair so requires it shall be put into writing.

Secunder's Speech

- (b) A member when seconding a motion or amendment may, if they then declare their intention to do so, reserve his or her speech until a later period of debate.

Only one member to stand at a time

- (c) A member, when speaking shall stand and address the Chair. If two or more members rise, the Chair shall call on one to speak; the other or others shall then sit. While the member is speaking the other member shall remain seated, unless rising to a point of order or in a personal explanation.

Content and length of speeches

- (d) A member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council.

When a Member may speak again

- (e) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- i. to speak once on an amendment proposed by another member;
 - ii. if the motion has been amended since they last spoke, to propose a further amendment;
 - iii. subject to paragraph (k) below, a member may not speak further in respect of any one motion except to speak once on an amendment proposed by another member or to make a point of order or to give a personal explanation;
 - iv. in exercise of a right of reply given by paragraph (k) or (l) below;
 - v. on a point of order;
 - vi. by way of personal explanation.

Amendments to motions

- (f) An amendment shall be relevant to the motion and shall be:
- i. to refer a subject of debate to a committee for consideration or reconsideration;
 - ii. to omit words;
 - iii. to omit words and insert or add others;
 - iv. to insert or add words;

But such omission, insertion or addition of words shall not have the effect of introducing a substantially new proposal, or of negating the motion before the council.

- (g) Only one amendment may be proposed and discussed at a time and no further amendment shall be proposed until the amendment under discussion has been disposed of, providing that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.
- (h) If an amendment is lost, other amendments may be proposed on the original motion. If an amendment be carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be proposed.
- (i) A member may, with the consent of his seconder, move amendments to their own motion.

Alteration of Motion

- (j) The proposer of a motion may, with the consent of their seconder, and of the council signified without discussion:
 - i. alter a motion of which they have given notice;
 - or
 - ii. alter a motion, which they have proposed;if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of motion

- (k) A motion or amendment may be withdrawn by the proposer with the consent of the council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

Right to reply

- (l) The proposer of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed, the proposer of the original motion shall also have a right to reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of the amendment shall not have a right of reply to the debate on their amendment. A member exercising a right of reply shall not introduce new matter.

Motions which may be proposed during debate

- (m) When a motion is under debate no other motion shall be proposed except:

- i. to amend the motion;
- ii. to adjourn the meeting;
- iii. to adjourn the debate;
- iv. to proceed to the next business;
- v. to put the motion to a vote;
- vi. to ask a person to be no longer heard or to leave the meeting;
- vii. by a member understanding order 22, disorderly conduct;
- viii. a motion under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 or standing order 41, to exclude the public and press;
- ix. To refer a motion to a committee or sub-committee for consideration.
- x. To suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

21. CLOSURE MOTIONS

- (a) A member may propose without comment at the conclusion of a speech of another member “that the council proceed to the next business”, “that the question be now put”, “that the debate be now adjourned”, or “that the council do now adjourn”, on the seconding of which the Chair shall proceed as follows:
- i. on a motion to proceed to the next business; unless in the Chair’s opinion the matter before the meeting has been insufficiently discussed, they shall first give the proposer of the original motion the right to reply, and then put to the vote the motion to proceed to the next business;
 - ii. on a motion that the question be now put; unless in the Chair’s opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the proposer of the original motion their right of reply under paragraph (l) of standing order 20 before putting their motion to the vote;
 - iii. on a motion to adjourn the debate or the meeting; if in the Chair’s opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the proposer of the original motion their right of reply on that occasion.

22. DISORDERLY CONDUCT

- (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 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.

23. RESCISSION OF PREVIOUS RESOLUTION

- (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 13 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 23(a) above has been disposed of, no similar motion may be moved within a further six months.

24. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for any position to be filled by the council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on 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.

25. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

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.

26. 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. This delegated authority shall only be exercised in consultation with the Leader or Deputy Leader.

- (b) There shall be delegated to the Town Clerk/Chief Executive Officer the authority to act in respect of any function of a committee or sub-committee, which in their opinion either 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.
- (c) 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.
- (d) The Town Clerk/Chief Executive Officer shall notify all members of any action taken under this standing order.
- (e) 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.

27. MOTIONS ON EXPENDITURE

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.

28. ACCOUNTS, FINANCIAL PROCEDURES & EXPENDITURE

Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

29. 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 29(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of the Chair of the Council who shall sign the deed as witness.**

30. 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) **Unless the Council determines otherwise, all the members of an advisory committee and sub-committee of the advisory committee may be non-councillors.**
- (d) The council may, at its annual meeting, appoint members to standing committees and may at any other time appoint such other committees as may be necessary, and:
- i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non- councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. shall appoint the Chair of a committee;
 - v. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer before the meeting that they are unable to attend;
 - vi. an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vii. may dissolve a committee at any time.

31. EX-OFFICIO MEMBERS OF COMMITTEES

The Mayor and Leader of the Council shall be an ex-officio member with voting rights on all committees.

32. STANDING COMMITTEES

- (a) The following provisions shall apply to standing committees:
- i. standing order 42, public participation; the agenda for committee meetings shall be sent to all Council members, such members of the press who request notification of meetings, and advertised on public notice boards or otherwise in such a way as to draw it to the attention of the public, although failure to comply with this standing order shall not invalidate the proceedings of the committee;
 - ii. 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;

- iii. 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;
 - iv. except where ordered by the council in the case of a committee or by the council or by the appropriate committee in the case of a sub- committee, the quorum of a committee or sub-committee shall be 4 and 3 members respectively;
 - v. every committee shall at its first meeting elect a Vice-Chair, who shall hold office until the next annual meeting of the council;
 - vi. 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.
- (b) 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.

33. 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.

34. WORKING PARTIES & WORKING 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 4(a) and 4(e) which provides for the Mayor and Leader being ex-officio voting members of every committee.

35. 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 he/she is 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.

36. REPRESENTATION ON OUTSIDE BODIES – TERMINATION OF MEMBERSHIP

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.

37. INSPECTION OF DOCUMENTS

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.

38. UNAUTHORISED ACTIVITIES

- (a) No Member of the Council or of any committee or sub-committee shall in the name of, or on behalf of, the Council;
 - i. inspect any land or premises which the Council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

unless authorised to do so by the council or the relevant committee or sub- committee.

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. CONFIDENTIAL BUSINESS

- (a) **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.**
- (b) **Councillors, staff, the Council's contractors and agents shall not disclose confidential Information or personal data without legal justification.**

41. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

Meetings shall be open to the public and press 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 the following resolution and the reason given for the public's exclusion:

“that in view of the confidential nature of the business about to be transacted it is advisable that, in accordance with the public bodies (admission to meetings) act 1960, the public and press be temporarily excluded, and they are instructed to withdraw.”

42. 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.
- (i) **Subject to standing order (42g), 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.**
- (j) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

43. PRESS FACILITIES

The press shall be provided with reasonable facilities for taking their report of all or part of a meeting at which they are entitled to be present.

44. 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 44(a) 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 44(b) above.**

45. CODE OF CONDUCT, MEMBERS INTERESTS AND DISPENSATIONS

- (a) **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.

- (b) All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- (c) All Councillors will observe the NALC Civility & Respect Pledge taken by the town council.
- (d) Unless a dispensation has been granted, 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.
- (e) Unless a dispensation has been granted, a councillor or non-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.
- (f) **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.
- (g) 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.
- (h) 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;
 - iv. an explanation as to why the dispensation is sought.
- (i) Subject to paragraphs (e) and (g) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- (j) **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, or**

- ii. **granting the dispensation is in the interests of persons living in the council's area, or**
- iii. **it is otherwise appropriate to grant a dispensation.**

46. CODE OF CONDUCT COMPLAINTS

- (a) Upon notification by West Oxfordshire District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 40 above, report this to the council.
- (b) Where the notification in standing order 46(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 46(d) below.
- (c) The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- (d) **Upon notification by 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.**

47. STANDING ORDERS

- (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 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 47b)

- (e) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- (f) The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

48. DURATION OF MEETINGS

- (a) No council or committee meeting shall extend beyond 2 hours unless it has been specifically agreed by that meeting.
- (b) Where it has been agreed that a meeting is to extend beyond 2 hours, there shall be an adjournment of 15 minutes after 1 hour or as soon as possible after 1 hour when it is likely that the meeting will extend beyond 2 hours.

49. 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).**

50. 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.**

51. 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.**

52. RELATIONS WITH THE PRESS & MEDIA

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.

53. SIGNATURE OF DOCUMENTS

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.