

# **MALDON TOWN COUNCIL**



## **STANDING ORDERS**

Adopted 30 10 2017  
To be reviewed in October 2018

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For the purposes of these Standing Orders, the Chairman of the Town Council is the Town Mayor, and the Vice Chairman of the Town Council is the Deputy Town Mayor.

**Standing Orders in bold type are required by statute.**

## **1. Rules of debate at meetings**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e 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 becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.

- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask 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 public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

## **2 Disorderly conduct at meetings**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **3 Meetings generally**

- 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.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice 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.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all**

**of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 20 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit an individual to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **A Member of the Public may not orally report or comment about a meeting, as it takes place, of a Parish Council or its Committees but otherwise may:**
  - a) **film photograph or make an audio recording of a meeting;**
  - b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
  - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- m **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

- o The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- q The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**  
*See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*
- r Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- s The minutes of a meeting shall include an accurate record of the following:**

  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- t A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council’s code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- u No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**  
*See standing order 4d(ix) below for the quorum of a committee or sub-committee meeting.*
- v If a meeting is or becomes inquorate no business shall be transacted and the**

meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

- w A meeting shall not exceed a period of 3 hours, unless these are extenuating circumstances. If the business is not concluded, a date shall be identified for the outstanding business to be discussed.

## 4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may 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 full council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. may appoint persons other than members of the Council to any Committee; and may allow the substitution of councillors at the committee meeting. Their role is to replace ordinary committee members, who are unable to attend a meeting of a committee; the ordinary member of the committee must confirm to the Proper Officer the name of the substitute prior to the commencement of the meeting.
  - vi. An ordinary member of a Committee who has been replaced at a meeting by a substitute member (in accordance with v, above) 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. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - viii. shall permit a committee other than a standing committee, to appoint its own



- chairman at the first meeting of the committee;
- ix. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - x. shall determine if the public may participate at a meeting of a committee;
  - xi. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xiii. may dissolve a committee.

#### **4.1 COMMITTEE FORMATION**

The Committees of the Town Council comprise of the following:-

- a. Finance & General Purposes Committee - Town Mayor, Deputy Town Mayor and seven other councillors;
- b. Environment Committee – Town Mayor, Deputy Town Mayor and seven other Councillors.
- c. Planning Committee - Town Mayor, Deputy Town Mayor and seven other Councillors;

#### **4.2 FINANCE & GENERAL PURPOSES COMMITTEE**

- a. Responsible for all Financial aspects of the Town Council, together with matters not coming within the purview of the other two standing Committees (Planning and Environment Committees):-
  - i. The Town Hall operating both as the Town Council offices and a Community Hall, including any licences pertaining to the Community Hall.
  - ii. Moot Hall
  - iii. Plume Building
- b. The Finance & General Purposes Committee to have the following delegated powers:--
  - i. Approval of Payments of accounts.
  - ii. Approval of Donations or Grant Aid.
  - iii. Approval of special urgent items of expenditure not included in the approved budget be limited to £3000.00, not more than three times in any financial year (from miscellaneous expenditure).
  - iv. To sanction expenditure within the approved budget in relation to the repair and maintenance of Council property up to the value of £5000.00
  - v. Correspondence arising from agenda items requiring information.
- c. By recommendation to consider all staffing matters including staff costs.

- d. Payment of urgent cheques to be authorised by the Town Clerk in consultation with the Chairman and the Vice-Chairman of the Finance and General Purposes Committee or in their absence the Town Mayor and Deputy Town Mayor.
- e. All accounts for payment and claims upon the Council shall be laid before the Finance and General Purposes Committee.
- f. All payments authorised under sub-paragraph (d) of this Standing Order or made without authority of the Finance and General Purposes Committee under any statute shall be separately included in the next schedule of payments laid before the Council.
- g. To consider all matters pertaining to The Parish Council's (Model Code of Conduct) Order 2001 and where appropriate to make recommendations to Council.
- h. The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a report of receipts and payments.

#### **4.3 ENVIRONMENT COMMITTEE**

- a. The Environment Committee to have the delegated powers to deal with the following:--
  - i. Allotments
  - ii. Amenity Areas
  - iii. Bus Shelters
  - iv. Closed Churchyards (All Saints', St. Mary's and St. Peter's)
  - v. Cromwell Pump
  - vi. Ground Maintenance
  - vii. Horse Trough
  - viii. Leech Memorial Garden
  - ix. Market Hill Garden
  - x. Parish Lights
  - xi. St. Giles Ruins
  - xii. Street Furniture
  - xiii. Ware Pond
  - xiv. Wycke Hill Pond
  - xv. War Memorial
  - xvi. Town Centre Floral Displays
  - xvii. Maldon in Bloom
- b. Financial expenditure with regard to the above, except for allotments, to be authorised by the Finance & General Purposes Committee.

#### **4.4 PLANNING COMMITTEE**

- a. The Planning Committee to have the delegated powers to respond on behalf of the Town Council to every planning application or other related matter referred to the Council for observation.

- b. If any application is contrary to the terms of the Maldon District Local Development Plan which requires a change of policy, the Planning Committee will make recommendation to the next meeting of the Town Council. If the timescale laid down by the District Council cannot be met, the recommendation will be referred to a Special Meeting of the Town Council.
- c. In accordance with Section 101 of the Local Government Act 1972, the Town Clerk is hereby authorised to examine and investigate delegated planning applications in consultation with the Chairman of the Planning Committee and with at least one other member of the Town Council representing the Ward of the planning application where there is urgency for the submission of observations to meet the prescribed timescale for consultations and to make recommendations to Maldon District Council between Town Council meetings.
- d. Full details of each planning application or other related matter shall be recorded in the Minutes of the meeting at which discussion thereon takes place or at which confirmation of action having been taken since the last meeting is sought.
- e. The Planning Committee has the power to make decisions regarding:-
  - i. Temporary Road Closures
  - ii. Matters relating to the Licensing Act
  - iii. Emergency Planning

## **5. Ordinary council meetings**

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 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 conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes**

**disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**

- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xv. Review of the council's and/or staff subscriptions to other bodies;
  - xvi. Review of the council's complaints procedure;

- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **6 Extraordinary meetings of the council and committees and sub-committees**

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 5 working days of having been requested by to do so by one-third of members of the committee [or the sub-committee], any one-third of members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

## **7 Previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, which requires written notice bearing the names of at least one-third of councillors to be given to the Proper Officer, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

## **8. Voting on appointments**

- a 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 of votes 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.

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

- a. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
- b. The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- c. The Clerk shall insert in the summons for every member all notices of motion or recommendation 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 intends to move at some later meeting or that he withdraws it.
- d. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e. If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Town Mayor, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- f. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

## **10. Motions at a meeting that do not require written notice**

- a The following motions may be moved at a meeting without written notice to the Proper

Officer;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to approve the Minutes;
- iii. to approve the absences of Councillors;
- iv. to move to a vote;
- v. to defer consideration of a motion;
- vi. to refer a motion to a particular committee or sub-committee;
- vii. to appoint a person to preside at a meeting;
- viii. to change the order of business on the agenda;
- ix. to proceed to the next business on the agenda;
- x. to adopt a report;
- xi. to require a written report;
- xii. to authorise the sealing of documents;
- xiii. to amend a motion;
- xiv. to give leave to withdraw a motion or an amendment;
- xv. to give the consent of the Council where such consent is required by these Standing Orders
- xvi. to appoint a committee or sub-committee and their members;
- xvii. to extend the time limits for speaking;
- xviii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xix. to not hear further from a councillor or a member of the public;
- xx. to silence or exclude a councillor or member of the public for disorderly conduct;
- xxi. to temporarily suspend the meeting;
- xxii. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xxiii. to adjourn the meeting; or
- xxiv. to close a meeting.

## **11. Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Draft minutes**

- a. If the draft minutes of a preceding meeting have been served on councillors with the

agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed

## 13. Code of conduct and dispensations

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

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Local Authority Monitoring Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made the Local Authority



Monitoring Officer and that decision is final.

- f 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.

Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered by the Local Authority Monitoring Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

- h **A dispensation may be granted in accordance with standing order 13(e) 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.**

## 14. Code of conduct complaints

- a. Upon notification by the Local Authority that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b. Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Town Mayor of this fact, and he shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c. The Council may:
  - I. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - II. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

- d. Upon notification by the Local Authority that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## 15. Proper Officer

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases that shall be the Town Clerk:-

- i. To receive declarations of acceptance of office.
- ii. To receive and record notices disclosing interests at meetings.
- iii. To receive and retain plans and documents.
- iv. To sign notices or other documents on behalf of the Council.
- v. **To receive and retain copies of bylaws made by other local authorities.**
- vi. To certify copies of bylaws made by the Council.
- vii. At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
- viii. **Give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
- ix. To keep proper records for all Council Meetings.
- x. **Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**

## 16. Responsible Financial Officer (RFO)

- a. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Town Clerk has been appointed as RFO for this council.
- b. The RFO;
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the council up to date in accordance with proper practices;
  - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and

- produces financial management information as required by the council.
- c. The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer, when the Responsible Financial Officer is absent.

## **17. Accounts and Accounting Statements**

- a. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
- b. Such Regulations shall include detailed arrangements for the following:-
- i. the accounting records and systems of internal control;
  - ii. the assessment and management of risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - iv. the financial reporting requirements of members and local electors;
  - v. procurement policies including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- c. “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners Guide.
- d. All payment by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.

## **18. Financial controls and procurement**

- a. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the council’s written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>.
- g.** The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.

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<sup>1</sup> The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

<sup>2</sup> Thresholds currently applicable are:

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

## 19. Handling Staff Matters

- a. A matter personal to a member of staff that is being considered by a meeting of the Finance & General Purposes Committee or a staff sub-committee is subject to standing order 11 above.
- b. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Town Mayor or, if he is not available, the Deputy Town Mayor of their absence occasioned by illness or other reason and that person shall report such absence to the Council as appropriate .
- c. The Town Mayor or in his absence, the Deputy Town Mayor shall upon a resolution conduct a review of the performance and annual appraisal of the work of Town Clerk. The review and appraisal shall be reported to the Finance & General Purposes Committee and is subject to approval by resolution by that Committee.
- d. Subject to the council's policy regarding the handling of grievance matters, the Town Clerk (or other employees) shall contact the Town Mayor or in his absence, the Deputy Town Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance & General Purposes Committee or a sub-Committee set up to deal solely with the grievance.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the Town Mayor or Deputy Town Mayor, this shall be communicated to the Chairman of the Finance & General Purposes Committee, which shall be reported back progressed by resolution of the Finance & General Purposes Committee or a sub-Committee set up to deal solely with the grievance.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 13 above if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 13 above shall be provided only to the Town Mayor or in his absence the Deputy Town Mayor.
- j. 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 press and public shall be excluded (see standing order 3d).

- k. All matters affecting Council employees will be considered in line with the Council's staff policies, which have regard to the current NALC and SLAA joint Guide to Good Employment Practice.

## **20. Requests for information**

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

## **21. Relations with the Press and Media**

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media:-
  - i. Council resolutions and policies are corporate decisions agreed by the Council as a whole. It therefore follows that no individual councillor or group of councillors can speak for the Council as a whole unless they are setting out a policy agreed, or a decision made, by the Council.
  - ii. However not all Council resolutions are unanimous and it is inevitable that there will be issues upon which individual councillors have very different views.
  - iii. Any member may ask for a recorded vote in the minutes and therefore where there is a strongly held difference of opinion between councillors this can be indicated in the formal record.
  - iv. As the minutes of the meeting are a public document (except any matters considered when the press and public have been excluded) it follows that a councillor may refer in public to his/her view even if it is a minority view.
  - v. However, where a councillor or group of councillors are not in agreement with a Council decision, they must make it clear that these are personal or group views, and not those of the Council as a whole.
  - vi. Routine requests from the press or other media for oral or written statements of Council policy or resolutions shall be referred to the Town Clerk, or in his/her absence, to the Officer with the delegated responsibility.
  - vii. Officers of the Council shall be able to provide press releases on Council services and Mayoral events but will not comment on any matter which is neither covered by a Council policy or resolution nor is a matter of fact.
  - viii. If Council Officers receive requests from the press or other media on matters that give rise to concern, the Officer shall make no comment and inform the Town Mayor, or in his/her absence the Deputy Town Mayor, of the request.

- b. In accordance with the Council’s policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## 22. Sealing of Documents

- a. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b. The Council’s Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of two members who shall sign the document as witnesses.**

## 23. Communicating with County and District Councillors

- a. A notice of meeting shall be sent, together with an invitation to attend, to the County Councillor for the Electoral division in which the Town lies and to the District Councillors of the Town.
- b. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be sent to the County Councillor for the electoral division in which the Town lies, and a copy of each letter ordered to be sent to the District Council shall be sent to the District Councillors for the Town, or where the issue relates to matters concerning a Ward of the Town only to the District Councillors for the Ward.

## 24. Restriction on Councillor Activities

- a. Unless authorised to do so by the Council or the relevant Committee or Sub-Committee, 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 lands or premises which the council has a right or duty to inspect;
  - ii. Issue orders, instructions or directions

## 25. Standing Orders Generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the council’s standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by

a special motion, the written notice by at least one-third of councillors to be given to the Proper Officer in accordance with standing order 9 above.

- c 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.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## **26. Robing**

It was resolved at the Council Meeting held on 27<sup>th</sup> June 2016 that:-

The Town Mayor and Deputy Mayor shall robe for full meetings of the Town Council and any other appropriate civic occasions with the Sergeant-at-Mace in attendance. Councillors will be expected to robe on the same occasions where they attend in their capacity as a Town Councillor and shall be recorded as such. This Standing Order will NOT apply to Members attending civic occasions other than as a Councillor. When attending Council, Committee and Working Party meetings, Members should dress in a business-like manner.

## **27. Canvassing of and Recommendations by Members**

- a. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate Committee any such disclosure. The Clerk shall make known the purpose of this Standing Order to every candidate.
- b. Canvassing councillors or the members of a Committee or Sub-Committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- c. A Councillor or a member of a Committee or Sub-Committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- d. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.



## **28. Inspection of Documents**

- a. A Member may for the purpose of his duty as such (but not otherwise), inspect any document 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.
- b. All minutes kept by the Council and by any Committee shall be open for inspection by any Member of the Council.
- c. The minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

## **29. Handling Complaints**

- a. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member according to its Complaints Procedure except for those complaints which should be properly directed to the Monitoring Officer for consideration.

## **30. Variation, Revocation and Suspensions of Standing Orders**

- a. Any Standing Order except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- b. A motion to vary or revoke Standing Orders shall not be approved save with the consent of not less than two thirds of the Members present and voting at the meeting of the ordinary Council when such motion is considered.
- 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.

**Adopted by ...Maldon Town Council .....Date 30 10 2017**

**Minute Reference 95**

## **MALDON TOWN COUNCIL**

### **PUBLIC SPEAKING AT COUNCIL AND COMMITTEE MEETINGS**

The following is guidance for Members of the Public

- Maldon Town Council actively encourages the public to attend its meetings, and also to participate and speak.
- Members of the public who wish to speak on an Agenda item should make their request to the Chairman prior to the start of the meeting.
- During the meeting, members of the public may still be able to make a contribution even if a request to speak has not been made. They should raise their hand at the appropriate time and wait for the Chairman to respond.
- Towards the end of the Agenda is an item as follows:

#### **QUESTIONS FROM THE PRESS AND PUBLIC**

When the Chairman indicates, members of the public can ask a question on any subject; it need not be about an item on the Agenda. If deemed appropriate, the decision can be made to put the item on the Agenda of a future meeting of the Council, or the appropriate Committee, for discussion.

If the item requires investigation, then a written reply will follow.

- Members of the Town Council who are also members of principal authorities (District & County Council) have a legal obligation to maintain an open mind when voting on matters at principal council level that have already been resolved at the parish tier.