

# RAUNDS TOWN COUNCIL

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## **Raunds Town Council Constitution & Standing Orders**

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## **Part 1      Constitution**

### **1.0      Introduction:**

- 1.1      Raunds Town Council has agreed Standing Orders which set out how the Council operates, how decisions are made and the procedures which are followed to ensure the Council operates in an efficient, transparent and accountable manner for the people of Raunds.
- 1.2      Standing Orders provide the basic rules which govern how the Council operates. More detailed policies, procedures, protocols and codes of practice are provided separately to further enhance the management of the Council.
- 1.3      The Council is committed to:
- Promoting Equality;
  - Providing effective leadership;
  - Delivering efficient, effective and economical services;
  - Conducting business transparently;
  - Acting responsibly.
- 1.4      The Council has resolved that:

*‘Raunds Town Council will base its decision making on what is best for the town and in the interests of the people of Raunds.’*

### **2.0      The Council and its Councillors**

- 2.1      The Council comprises 12 Councillors usually elected every four years. Separate arrangements are in place where a casual vacancy arises.
- 2.2      All Councillors are democratically accountable to residents of the Town, but they have a special duty to all constituents of their ward.
- 2.3      All Councillors are bound by the Council’s Code of Conduct to ensure high standards are maintained in the way they undertake their duties.
- 2.4      All Councillors meet together as the corporate body of the Council.
- 2.5      Meetings of the Council are open to the public, press and media. At these meetings Councillors deliberate and agree the Council’s overall policies and set an annual budget. The Full Council is the principal forum for debating issues concerning Raunds, determining the Council’s finances and making strategic decisions.
- 2.6      Annually, the Council appoints a Town Mayor to Chair the Council and be the public face of Raunds. A Deputy Mayor is also appointed. The Council has approved a handbook setting out the role and responsibilities of the Mayor.

2.7 The Council is responsible for changes to the Constitution & Standing Orders.

### **3.0 Councillors and their duties**

3.1 Before taking up their duties, Councillors must sign a statutory declaration of acceptance of office on being elected to the Council.

3.2 Councillors:

- when sitting in Full Council, collectively make the decisions of the Council;
- represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of, and for, their communities;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- respond to constituents' enquiries and representations fairly and impartially;
- balance different interests identified in their ward and represent the ward as a whole;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics in accordance with the Code of Conduct.

3.3 A Councillor's key tasks:

- participate effectively as a member of the Full Council and any Committee, or other body to which he or she has been appointed, acting at all times within the remit of these Standing Orders;
- promote the Council and the town it represents;
- promote partnership working with other bodies;
- serve on any review body the Council has constituted and to which he or she has been appointed; and to participate in the continual review of the Council and its services.
- participate in the activities of an outside body to which he or she is appointed, providing two-way communication between the organisations.
- report to the Council on at least two occasions each year on the activities of any outside body to which he or she is appointed;
- participate, as appointed, in consultative processes with the community and with other organisations;
- develop and maintain a working knowledge of the Council and the role of the Town Clerk;
- contribute constructively to open government and transparent decision making;
- actively encourage local people to participate generally in the government of the area.

## 4.0 The Council\*

4.1 Only Full Council can exercise the following functions:

- **approve and adopt the annual budget;**
- **adopt a Code of Conduct;**
- **make an annual precept;**
- **agree to borrow money;**
- **elect the Town Mayor;**

**Raunds Town Council has resolved that the Full Council will exercise the following functions:**

- adopt and change standing orders;
- adopt strategies and policies;
- agree terms of reference for any Committees;
- appoint to Committees;
- appoint representatives to outside bodies (unless delegated by the Council);
- appoint a Town Clerk unless such power has been delegated to a group set up with the purpose of making such an appointment;
- promote byelaws;
- all other matters which, by law, must be reserved to the Full Council.

4.2 There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- extraordinary meetings.

4.3 The Council and its Committees meet regularly throughout the year in accordance with the agreed calendar as approved at the Annual General Meeting.

Standing Committees:

- Environment, Leisure and Recreation Committee
- Events Committee
- Finance and Policy Committee
- Personnel Committee
- Planning Committee

## **5.0 Mayor**

- 5.1 The Council has a Town Mayor, who is elected annually at the Annual Meeting. The main duty of the Mayor is to preside over meetings of the Full Council.
- 5.2 The role of the Mayor is to undertake Raunds Town Council's civic and ceremonial duties in a dignified manner so as to uphold and enhance the status of the town and engender civic pride. The role has four main aims:
- As a symbol of authority;
  - A symbol of open society;
  - Act as ambassador for the town;
  - An expression of Social Cohesion.
- 5.3 The Mayor (as first citizen) is entitled to the right of precedence within the town and should be accorded the respect due to the office.
- 5.4 For the purposes of these Standing Orders the Mayor is the Chairman of the Council and has the same rights and duties as a local council Chairman.
- 5.5 The Council has adopted a Mayor's Handbook which defines the role of the Mayor and sets out the precedence which should be afforded to the position.
- 5.6 The Council's civic regalia shall be worn as appropriate.
- 5.7 In the absence of the Mayor, the Deputy Mayor assumes all the functions and powers of the Mayor.

## **6.0 Town Clerk (Clerk of the Council)**

- 6.1 The Council has a Town Clerk, who is second citizen of the town, to provide advice, implement decisions, and manage the day-to-day running of the Council and the delivery of its services.
- 6.2 The Town Clerk is the Proper Officer of the Council delegated to discharge any functions of the Council provided for under statute (See also, para 15, page 24).
- 6.3 The Town Clerk is also the Responsible Financial Officer for discharging the Council's responsibilities under section 151 of the Local Government Act 1972. The Clerk's financial role is to ensure the proper administration of the Council's finances (See also, para 16, page 26).
- 6.4 The Town Clerk, as Head of the Paid Service, is responsible for the day-to-day management of the Council's staff.
- 6.5 There should be a positive relationship between Councillors and Council officers.

- 6.6 The Town Clerk is responsible for the safe custody and application of the Council's Seal, which shall be held in a safe place at all times.
- 6.7 Documents pertaining to legal procedures or proceedings of the Council shall be signed by the Town Clerk or other person authorised by the Council.

## **7.0 The Council's Standing Committees**

### **Committee membership**

- 7.1 Each committee shall consist of a minimum of four members and a maximum of seven members of the Council. In addition, The Mayor and Deputy Mayor will sit as ex-officio members of the Committee with the same rights to speak and vote as ordinary Committee members but shall not be the Chairman of more than one Committee. The Council is entitled to appoint non-Councillors as members of a Committee unless that Committee regulates and controls the finances of that Committee. It is the policy of this Council not to appoint non-Councillors to a Committee other than the Events Committee. (See 7.2 below.)
- 7.2 Membership of the Events Committee is defined separately in their terms of reference.
- 7.3 Other Councillors may be co-opted or attend as observers. If invited, such members may speak but not vote.
- 7.4 Each Committee shall appoint a Chairman and Deputy Chairman from within its membership.
- 7.5 A member of a Committee may nominate a substitute to attend a meeting of that Committee in their place, by giving notice of the substitution in writing to the Proper Officer not later than noon on the day of the meeting that they are unable to attend.

### **Meetings**

- 7.6 The Council will agree a year's meeting dates for each Committee at its Annual Meeting in May. It may ask Committees to meet at additional times and Committees may also determine to meet at other times.

### **Quorum**

- 7.7 A quorum of the Committee shall consist of three members of the Committee. The quorum for the Events Committee is defined separately in its terms of reference.

## 7.8 Finance and Policy Committee:

The purpose of the Finance and Policy Committee is to maintain financial oversight of the Council's finances and debate issues of Strategy and Policy in detail and to formulate recommendations to Full Council.

7.9 It has **delegated authority** to spend within its allocated budget. This will include making decisions on budgeted finance and recommending to Full Council any proposals which are outside the approved budget and require either grant aiding or the use of financial reserves.

7.10 The Committee's strategic role will be to:

- formulate strategies for the Full Council to consider adopting;
- maintain oversight of Council-approved long-term plans;
- draft for Full Council approval policies and procedures for the good governance of the Council and its town.

7.11 The Committee's **Terms of Reference** are:

- consider draft strategic documents for Full Council approval;
- consider policies and procedures for Council approval;
- consider projects, their associated costs and funding sources;
- use its delegated authority to spend within the budget allocated to the Committee, subject to the overall budget adopted by the Council;
- oversee the preparation of a medium term financial plan;
- to recommend to Members appropriate Councillor training;
- ensure appropriate health and safety policies are in place to mitigate risk;
- annually review financial regulations and recommend to Full Council any changes;
- oversee internal audit, consider any weaknesses identified and recommend appropriate actions;
- prepare draft budgets for the following financial year and recommend to Full Council accordingly;
- maintain oversight of the income and expenditure against the current financial year's budget;
- approve applications for virement either from other Committees or the Council's Responsible Financial Officer;
- consider and recommend to Full Council applications for expenditure from other Committees which are outside their current budgets.



## 7.12 Environment, Leisure and Recreation Committee:

The purpose of the Committee is to debate issues, determine decisions and make recommendations to Full Council in respect of issues within the remit of this Committee.

- 7.13 To consider and recommend policies which have a bearing on social cohesion and environmental wellbeing.
- 7.14 To consider the functions and services provided by the Council in relation to: the cemetery, parks, gardens and open spaces, amenity areas, play areas and community facilities, toilets, etc., making recommendations to Full Council for any variations, improvements or alterations.
- 7.15 To oversee the finance allocated to the Committee, for which it has **delegated authority** to spend within the budget headings allocated to the Committee by the Council.
- 7.16 Any virement applications must be referred to Finance & Policy Committee or to Full Council.
- 7.17 The Committee's **Terms of Reference** are:
- consider and recommend to Full Council any improvements, variations, or alterations to the Council's leisure and recreation facilities;
  - monitor and enact changes to the grounds maintenance contract within existing budgetary constraints;
  - review the use of the Council's leisure and recreational facilities;
  - to oversee progress on any leisure or recreational projects;
  - consider projects and associated costs;
  - liaise with any appropriate external bodies and agencies;
  - Arts projects;
  - annually inspect the Council's leisure and recreation facilities.

## 7.18 Planning Committee:

The purpose of the Committee is to debate issues in detail concerning planning and planning applications and to make observations to the Planning Authority in accordance with planning guidelines on behalf of the Full Council, which is a statutory consultee.

7.19 The Committee has **delegated authority** to consider and comment on planning applications and to consider future planning strategies, policies and neighbourhood plans etc., making recommendations to Full Council.

7.20 The Committee shall meet as appropriate to Planning Authority timescales.

7.21 The Committee's **Terms of Reference** are:

- consider planning applications and make observations to the Planning Authority;
- convene a public meeting if it is felt that a planning application warrants such action, and report findings to the Full Council and Planning Authority;
- appoint representatives to attend Planning Authority meetings and authorise them to speak on behalf of the Town Council;
- appoint representatives to attend Planning Enquiries and authorise them to speak on behalf of the Town Council;
- consider and make recommendations to Full Council on future planning options for Raunds;
- consider and make recommendations to Full Council on highway matters;
- appoint professional advisers to assist with responding to planning applications should it be deemed appropriate.

## 7.22 Personnel Committee:

The purpose of the Committee is to debate issues and recommend to Full Council matters relating to employment and personnel.

7.23 The Committee's **Terms of Reference** are:

- overseeing all matters relating to the employment of staff and making recommendations to Full Council thereon;
- recommending to Full Council matters regarding terms and conditions of employment;
- reviewing job descriptions, contracts, salary awards and staffing allocations, making recommendations to Full Council as appropriate;
- convening investigatory committees to examine disciplinary matters, reporting outcomes to Full Council;
- monitoring and reviewing compliance with Health & Safety regulations, reviewing policy and procedures; and making recommendations to the Finance and Policy Committee;
- monitoring and reviewing the Council's personnel policies and making recommendations to Full Council;

- advising Full Council on the continuous professional development of staff, in consultation with the Town Clerk;

## 7.24 Events Committee:

The purpose of the Committee is to debate issues, determine decisions and make recommendations to Full Council in respect of issues within the remit of this Committee.

- 7.25 To oversee the finance allocated to the Committee, for which it has **delegated authority** to spend within the budget headings allocated to the Committee by the Council.
- 7.26 Any virement applications must be referred to the Finance & Policy Committee or to Full Council.
- 7.27 The Committee is to include 12 voting members, a minimum of 6 voting members are to be Councillors (Officers cannot be members of the Committee). The Chairman and Deputy Chairman are to be Councillors. The quorum for the committee will be three but is to include a minimum of two Councillors. All non-Councillors are to serve on the Committee for a minimum of six months before they can be awarded voting rights. Only the Full Council will appoint voting members to the Committee.
- 7.28 The Committee's **Terms of Reference** are:
- to recommend to Full Council a suitable programme of annual events.
  - to manage the programme of events and ensure they are delivered within the Committee's budget.
  - to manage a list of stock /equipment owned by the Town Council for events (including a stock list for Christmas lights).
  - To delegate authority to the Town Clerk, in consultation with the Chairman or Deputy Chairman of the Events Committee, to make necessary changes/arrangements and bookings for events prior to ratification at the next Events Committee meeting.

*(Note - the Committee will not be responsible for managing other fundraising events that any Mayor may wish to put on during their Mayoral year. This in no way restricts members of the Committee supporting the Mayor with their work, but the Mayor does not need to seek approval of the Events Committee for their own events.)*

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## 1. Meetings generally

Meetings of the Council will normally be held on the second Tuesday in the month in the Council Chamber, The Hall, Raunds. Meetings will start at 7.30pm unless advised otherwise in the Agenda. But see also 2 (c) below.




- Full Council meetings
- Committee meetings



- ■ a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- ■ b **A minimum three clear days notice is required for a meeting. It 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 **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.**
- d 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.
- e The period of time designated for public participation at a meeting in accordance with standing order 1 (d) above shall not exceed fifteen minutes unless directed by the Chairman of the meeting.
- f Subject to standing order 1 (e) above, a member of the public shall not speak for more than two minutes, or at the Chairman's discretion.
- g In accordance with standing order 1 (f) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may consider whether a written or oral response would be more appropriate.

- h A person shall raise their hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
- i A person who speaks at a meeting shall direct their comments to the Chairman of the meeting.
- j 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.
- k Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- l 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.**
- m Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in their absence be done by, to or before the Deputy Mayor or of the Chairman of Committee (if any).**
- n The Mayor, if present, shall preside at a meeting of Full Council. If the Mayor is absent from a Full Council meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a Full Council meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- o The Chairman, if present, shall preside at a Committee meeting. If the Chairman is absent from a committee meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a Committee 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 a**

**casting vote whether or not they gave an original vote.**

*See standing orders 4 (i) and (j) below for the different rules that apply in the election of the Mayor 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 the vote takes place.
  
- 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 including a brief summary of discussion points to provide context.
  
-   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 their right to participate and vote on that matter.**
  
-  u **No business may be transacted at a Full Council 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 7.7 for the quorum of a 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 two hours, unless the majority of members present vote for the meeting to continue for a limited time. If no motion is agreed, the meeting shall adjourn immediately. The remaining business on the agenda shall be adjourned to another meeting.

## **2. 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 Mayor and Deputy Mayor (if any) of the Council.
- f The Mayor, 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.
- g The Deputy Mayor, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.
- h In an election year, if the current Mayor has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Mayor has been re-elected as a member of the Council, they shall preside at the meeting until a new Mayor has been elected. They may exercise an original vote in respect



**of the election of the new Mayor and must give a casting vote in the case of an equality of votes.**

- j Following the election of the Mayor and Deputy Mayor (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 Mayor 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 Mayor of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a Committee;
  - iv. Consideration of the recommendations made by a Committee;
  - v. Appointment of members to existing Committees;
  - vi. Appointment of any new Committees in accordance with standing order 13 below;
  - vii. Appointment of representatives to external bodies;
  - viii. 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;
  - ix. Review and approval of the Council's and/or staff subscriptions to other bodies;
  - x. Review and approval of regular payments including standing orders and direct debits;
  - xi. Determining the time and place of ordinary meetings of the Full Council and Committees up to and including the next annual meeting of Full Council.

### **3. Extraordinary meetings of the Council and Committees**

- a **The Mayor may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor 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 may convene an extraordinary meeting of

the Committee at any time.

- d If the chairman of a Committee does not or refuses to call an extraordinary meeting within **seven** days of having been requested by to do so by **two** members of the Committee, any **two** members of the committee may convene an extraordinary meeting of the committee.

#### 4. Rules of debate at meetings

- a Items 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 amended 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 their own motion if agreed by the meeting. If a motion has already been seconded; the amendment shall be with the consent of the seconder 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 4 (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 The mover of an amendment has no right of reply at the end of debate on it.
- m 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.
- n 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.
- o 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- p A point of order shall be decided by the Chairman of the meeting and their decision shall be final.
- q 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.
- r 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.

## **5. Disorderly conduct at meetings**

- a All Members must observe the current Code of Conduct.
- b 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.

- c If such person(s) disregard(s) 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.
- d If a resolution made under standing order 5 (c) 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.
- e These rules apply to all Committees, sub-committees and any other groups set up by the Council.

## **6. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least **two** Councillors to be given to the Proper Officer in accordance with standing order 8 below, 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 6 (a) above has been disposed of, no similar motion may be moved within a further six months.

## **7. Voting on appointments**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least

seven 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 9(b) above, 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 8 (b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least seven 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 Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to Standing Order 8(e) above, the decision of the Proper Officer, in consultation with the Chair and Vice-Chair of the relevant Committee, or in their absence another member of the Committee, as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **9. 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 in accordance with 4b above;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular Committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda if so desired by one or more Councillors;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a Committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;

- xiii. to exclude a Councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

## **10. Management of information** *(Also see Standing Order 20.)*

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

## **11. 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 9 (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 their 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.

## **12. Code of Conduct and dispensations (Also see Standing Order 1 (s))**

- a All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has 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.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the appropriate person (see 12(g) below) 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.
- g Subject to standing orders 12 (d) and (f) above, dispensation requests shall be considered by the appropriate person in respect of h(i) below before the meeting or, if this is not possible, at the start of the meeting for which the

dispensation is required.

The appropriate person is:

- The Proper Officer in respect of decisions required for h(i) below and in the absence of the Proper Officer, the delegation will be to the Monitoring Officer or Deputy at North Northamptonshire Council.
- The Democracy and Standards Committee of North Northamptonshire Council has delegated authority to determine applications for dispensations made in respect of decisions required for h (ii or iii)

**h A dispensation may be granted in accordance with standing order 12 (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.**

### **13. 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 Council may appoint Standing Committees or other Committees as may be necessary, and:**

- i. shall approve 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 appoint and determine the terms of office of members of such a Committee;**
- v. shall permit a Committee to appoint its own Chairman at the first meeting of the Committee;**



- vi. shall determine the place, notice requirements and quorum for a meeting of a Committee or working party which shall be no less than three;
- vii. shall determine if the public may participate at a meeting of a Committee;
- viii. shall determine if the public and press are permitted to attend the meetings of a working party and also the advance public notice requirements, if any, required for the meetings of a working party;
- ix. shall determine if the public may participate at a meeting of a working party that they are permitted to attend; and
- x. may dissolve a Committee.
- xi. A Committee may dissolve a Working Party.

#### **14. Code of Conduct Complaints**

- a Upon notification by the Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 12 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 Mayor of this fact, and the Mayor 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 Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what action, if any, to take against them. Such action excludes disqualification or suspension from office.**

#### **15. Proper Officer**

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

- i. **at least three clear days before a meeting of the Council, or a Committee:**
  - **serve on Councillors by electronic means or by delivery or post at their residences, a signed summons confirming the time, place and the agenda, and**
  - **give 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).**

*See standing order 1(b) for the meaning of clear days for a meeting of the Full Council and a meeting of the Committee.*

- ii. subject to standing order 8, include on the agenda all motions in the order received unless a Councillor has given written notice at least seven days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of Full Council for the election of a new Mayor, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of by-laws made by other local authorities;**
- vi. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under Freedom of Information legislation and Data Protection legislation, in accordance with and subject to the Council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. manage the organisation of, storage of, access to and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g., the Limitation Act 1980);
- xi. arrange for legal deeds to be executed; (*see also Standing Order 23*);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

- xiii. record every planning application notified to the Council and the Council's response to the local planning authority;
- xiv. refer a planning application received by the Council to the Chairman, or in his absence the Vice-Chairman, of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires urgent consideration before the next ordinary meeting of the Full Council or Planning Committee;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council which shall not be used without a resolution to that effect. (*see also standing order 23*)
- xvii. to report on progress to the Full Council or relevant Committee.

## **16. Responsible Financial Officer**

- a The Full 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 "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c The Responsible Financial Officer shall supply to each Councillor a quarterly statement to summarise:
  - i. the Council's receipts and payments for each quarter;
  - ii. the Council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end on 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the Full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year ended 31 March. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Full Council for consideration and formal approval before 30 June.

## 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- 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 locally and in any 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 with delegated responsibility.
- e. Neither the Council, nor a Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by relevant legislation shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and elsewhere as prescribed in the relevant legislation.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by relevant legislation shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 19. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of Full Council or any Council Committee is subject to standing order 10 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Mayor or, if they are not available, the Deputy Mayor of absence occasioned by illness or other reason and that person shall report such absence to the Personnel Committee at its next meeting.

- c The Chairman of the Personnel Committee or in their absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel Committee.
- d The Council's most senior employee (or other employees) shall contact the Mayor or the Chairman of the Personnel Committee or in his absence, the Vice-Chairman of the Personnel Committee in respect of an informal or formal grievance matter. The matter will be progressed in accordance with the Council's policy regarding the handling of grievance matters.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Mayor or Deputy Mayor or the Chairman of Personnel, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured, and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Clerk, the Mayor and the Chairman of the Personnel Committee (or their deputies in their absence).

## **20. Responsibilities to provide information**

*(See also standing order 21)*

- a **In accordance with 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.**

## **21. Responsibilities under Data protection legislation**

*(Below is not an exclusive list.) (See also standing order 10.)*

- a **The Council shall 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.**

## **22. Relations with the press/media**

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

## **23. Execution and sealing of legal deeds**

*See also standing orders 15(b)(xi) and (xvi) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to Standing Order 22(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.**

## **24. Communicating with Unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of North Northamptonshire Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the Councillor(s) representing the area of the Council.

## **25. Restrictions on Councillor activities**

- a. Unless authorised by a resolution, no Councillor shall issue orders, instructions or directions.

## 26. Standing orders generally

- a All or part of a Standing Order, except one that incorporates statutory requirements, may be suspended by resolution insofar as it relates to an item on the agenda for a meeting.
- b A motion to add to, vary or revoke one or more of the Council's Standing Orders, except one that incorporates statutory requirements, shall be proposed by a special motion, the written notice by at least 2 Councillors to be given to the Proper Officer in accordance with Standing Order 8 above.
- c The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible.
- d The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

