

These standing orders should be read together with *The Code of Conduct*, with Hungerford Town Council *Financial Regulations* and with *Disciplinary Procedures for Staff*.

Hungerford Town Council

Standing orders

(Updated and adopted 15/01/2019)

Rules of debate at meetings – Section 1

- a Only items on the published agenda may be considered and in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b 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.
- c 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.
- d A councillor may not propose more than one amendment to a motion.
- e A councillor may speak in the debate as directed by the chairman.
- f 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.

A point of order shall be decided by the chairman of the meeting and his decision shall be final.

- g 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.
- h 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.
- i A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has been given, it shall if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- j A member shall direct his/her speech to the question under discussion, to a personal explanation, or to a question of order.
- k An amendment shall either:
 - (i) Leave out words
 - (ii) Leave out words and add others
 - (iii) Insert words or add others
- l An amendment shall not have the effect of negating the resolution before the Council.
- m If an amendment is carried, the resolution as amended shall become the resolution upon which any further amendment may be moved. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- n A member, other than the mover of the resolution, shall not, without leave of the Council, speak excessively on any resolution except to move an amendment or further amendment or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- o A member may make a point of order or a personal explanation to some material part of a former speech, which may have been misunderstood.
- p The ruling of the Mayor or Chairman on a point of order or on the admissibility of a point of order shall be final.
- q
 - i) Members shall address the Mayor or Chairman.
 - ii) If two or more members wish to make a point, the Mayor or Chairman shall call upon them one at a time.
 - iii) When the Mayor wishes to debate, all other members shall remain silent
- r When the motion or proposal under discussion is not clear the clerk shall read it aloud to ensure clarity..

Disorderly conduct at meetings – Section 2

- a All members must observe the Code of Conduct which was adopted by the Council on 13th August 2012, a copy of which is annexed to these Standing Orders.
- b No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- 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.
- d If the Standing Orders above are infringed the Chairman may suspend the meeting or take such other reasonable steps as may be necessary to ensure the business is transacted.

Meetings generally – Section 3

- 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.**

A notice of the date, time and place of a full committee meeting and the agenda shall be displayed on the Council notice board in the High Street, on the Council notice board in the Library complex, and on the Council website, a minimum of three clear days before the scheduled meeting.
- 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 OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- 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. providing they do so within the 15 minutes allotted time period (limited to 3 minutes per speaker) given at the beginning of each meeting. Any questions should be submitted in advance by 2pm on the day of the meeting. Public will not be permitted to interrupt, question or participate at any other point during the meeting unless invited to do so by the Chair. Timings will be at the discretion of the Chair.
- f) A person who speaks at a meeting shall direct his comments to the chairman of the meeting
- g) 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. A councillor will raise their hand if they wish to speak.
- h) Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- i) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- j) 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.
- k) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his absence be done by, to or before the Deputy Mayor of the Council (if any).
- l) 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.
- m) 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.

- n) 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.**
- o) 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.**
- p) 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. names of councillors abstaining and objecting
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- q) 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**
- r) Meetings of the Full Council shall be held at 7 pm on the first Monday of each month, excluding August, unless the Council decides to vary this time for bank holidays or other necessity. Prior to each Town Council meeting the public will be invited to put questions to Councillors and the Ward Councillors to West Berkshire Council will be given an opportunity to discuss recent activity and the Police are invited to give a report.
- s) The agenda for such meetings shall be delivered to the registered address or registered email address of each member of the Council and West Berkshire District Councillors a minimum of three clear days before the associated meeting.
- t) Councillors may elect to have their agendas, minutes and notices forwarded by email a minimum of three clear days before a meeting, and will notify the Clerk of their appropriate email address. This shall also apply to committee and sub-committee meetings.

Chairmen and Quorum - Section 4

- a) **No business may be transacted at a meeting unless at least one-third of the whole number of members (currently 15) of the full council are present (i.e. 5) and in no case shall the quorum of a meeting be less than three for committees**
- b) **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.

In addition – Including Questions and Order of Business

- c) The person presiding at a meeting may exercise the powers and duties of the Mayor in relation to the conduct of the meeting.
- d) A member may ask the Mayor or Clerk or any officer of the Council any question concerning the business of the Council. If an answer is not available then it will be provided within 3 working days.
- e) Any questions must be within the remit of the Council's business under discussion at that meeting.
- f) Every question shall be put and answered without discussion
- g) At every meeting of The Council other than the Annual Town Meeting the first business shall be to appoint a Chairman, if the Chairman and Deputy-Chairman be absent and to receive Apologies for Absence followed by Declarations of Interest.
- h) In the event of a vacancy of the chair, prior to the Annual Meeting of the Full Council, the committee may elect a new Chair

Voting – Section 5

- a) Members shall vote by a show of hands or, if at least two members request it, by signed ballot.
- b) If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- c) The person presiding must give a casting vote whenever there is an equality of votes

in an election for Chairman.

Committees and Sub-committees – Section 6

Please refer to the Terms of Reference for each committee which are displayed on our website.

- 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 Finance and General Purpose committee will consist of the appointed Chairman and Deputy, the Mayor, Deputy Mayor, the chairmen of the Recreation, Amenities and War Memorials committee, the Highways and Transport committee, and the Environment and Planning committee, and Tourism and Economy Committee
- e No councillor should serve as Chairman or Mayor for more than 3 consecutive years unless no other Councillor wishes to serve, providing this does not conflict with existing standing orders
- f Voting in Committee: no co-opted committee member of an outside body shall have voting power but save in four cases being, the management of land, harbour functions, tourism functions and the management of a festival or event.
- g No councillor will have the power to vote in a committee to which he/she is not a Member.
- h Two councillors may request a Part II meeting of the Council either in writing or verbally to the Mayor. Press or public can be excluded only by resolution if publicity would prejudice the public interest by reason of the confidential nature of the business or for some other reason stated in the resolution and arising out of the business transacted. It

is desirable to treat the following types of business as confidential: engagement, terms of service, conduct and dismissal of employees; terms of tenders and proposals and counter-proposals in negotiations for contracts; preparation of cases in legal proceedings; and the early stages of a dispute.

- i The Mayor shall be ex-officio member of any committee.
- j Every committee at its first meeting of the Mayoral year shall, before proceeding to any other business, elect a Chairman and Deputy Chairman who shall hold office until the next Annual Meeting of the Council. This excludes the Chair and Deputy of F&GP which will have already been elected at the Annual Meeting.
- k
 - i) The Mayor, or Chairman of a committee, may summon additional meetings of that committee at any time. An additional meeting shall also be summoned on the requisition of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting
 - ii) Other than in exceptional circumstances, cancellation of a meeting may only be made by giving three clear days' notice.
- l
 - i) Where a sub-committee is held at an alternative venue to the Council chamber the rules of debate and procedure relating to all other Council meetings will apply. A designated member in exceptional circumstances of a committee may act on behalf of the clerk in taking minutes.
 - ii) Planning Committee site visits shall be arranged by the Clerk under the direction of the Chairman of Planning and will be held at a time on a date convenient to members of the Committee having regard to Section 25 regarding the need for councillors not to act alone.
 - iii) No decision shall be made at a site visit. The decision shall be made after thorough debate at the relevant Environment and Planning Committee meeting.

Committee Attendance

- m Members are required to attend Council and committee meetings where elected to serve.
 - i) If a member fails throughout **six months** to attend any meetings that member automatically ceases to be a member of the Council, unless a 'statutory excuse' has been given and accepted by the Council.
 - ii) Councillors will be expected to serve on at least two of the Council's main Committees, of which one shall be either the Recreation, Amenities and War Memorials Committee or the Highways and Transport Committee.
- n Should a member have cause to withdraw from a meeting of Council, committee or sub-

committee, on his return he may not join in debate or vote until such time as new business proceeds.

- o No member may vote on any issue if they have not been present for the full discussion of the issue.
- p At every committee and subcommittee meeting the first business shall be to appoint a Chairman if the elected Chairman and deputy Chairman are absent.
- q In every year, not later than the meeting at which the annual budget forecast is settled, the Council shall review the pay and conditions of service of existing employees. Recommendations will be made by the Staffing Committee, a subcommittee of the Finance and General Purposes Committee, consisting of at least two chairmen or deputy chairmen of Committees and two councillors, at best practise to include at least two members of each gender.

Ordinary council meetings – Section 7

- 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 the council shall be held on such day in May as the Council decides..**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d *(England)* **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 decides.**
- 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/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.**
- g **The Vice-Chairman of the Council, if any, unless he/she 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/she 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/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she 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. (*England*) 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 employment policies and procedures;

xviii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

xix. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders*)

13, 22 and 23);

- xx. Review of the council's policy for dealing with the press/media; and
- xxi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

Annual Full Council Meeting

At each Annual Full Council Meeting, the first business shall be:

- a. To elect the Chairman of Council (the Mayor);
- b. To receive the Mayor's Declaration of Acceptance of office, or if not then received, to decide when it shall be received;
- c. in the ordinary year of election of the Council to fill any vacancies, should they wish to do so, left unfilled at the election by reason of insufficient nominations, by a method to be decided by the Council;
- d. To decide when any declarations of acceptance of office which have not been received as provided by law shall be received;
- e. To elect the Deputy Mayor;
- f. To elect the Chairman and Deputy of the Finance & General Purposes Committee;
- g. to appoint or to make dispositions for the appointment at the subsequent meetings of the relevant standing committees i.e. the Highways and Transport Committee, the Recreation, Amenities and War Memorials Committee, Environment and Planning Committee and the Tourist and Economy Committee. Note that membership of the Finance and General Purposes Committee shall be the Mayor, The Deputy Mayor and chairman of each committee and the Deputy of Finance and General Purposes.
- h. To appoint representatives to various bodies as required.

Annual Public Town Meeting

- a. A notice of the date, time and place of a Town Meeting shall be displayed on the Council notice board in the High Street, on the Council notice board in the Library complex, and on the Council website a minimum of **seven clear days** before the meeting.
- b. An Annual Public Town Meeting will be held in March at a date decided by the Mayor in consultation with the Clerk.

Extraordinary meetings of the council and committees and sub-committees - Section 8

- a) **The Mayor may convene an extraordinary meeting of the Council at any time.**
- b) **If the Mayor does not, call an extraordinary meeting of the Council within 7 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 statutory public notice giving the time, venue and agenda for such a meeting shall be signed by the two councillors.**

Previous resolutions – Section 9

- a The Proper Officer shall be either (i) the 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 A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (3) councillors to be given to the Proper Officer in accordance with below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- c When a motion moved pursuant to standing order (a) above has been disposed of, no similar motion may be moved within a further six months.

Voting on appointments – Section 10

- 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.

Motions for a meeting that require written notice to be given to the Proper Officer - Section 11

- 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 significant financial motion may be moved at a meeting unless it is on the agenda
- c If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman or Mayor 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.
- d Subject to standing order (c) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

In addition

- e. After the first business has been completed, the order of business shall be:-
 - (i) To read and consider the Minutes provided that a copy has been circulated to each member not later than the day of the issue of a summons to attend the meeting
 - (ii) After consideration of the draft minutes a vote will be taken to adopt the minutes and if appropriate the minutes will be signed and accepted by the chairman of the meeting.
 - (iii) Where minor changes or additions are required the chairman will initial the changes.
 - (iv) Draft minutes will be circulated by the clerk not more than seven days after the date of the meeting to which they refer.

Motions at a meeting that do not require written notice – Section 12

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

- a) To appoint a Chairman of the meeting.
- b) To amend the minutes in order that they accurately reflect the business and decisions which were agreed at the meeting. Agreed amendments will be in longhand at the end of the minutes and signed by the chairman.
- c) To approve the minutes.
- d) To discuss matters arising from the minutes of the immediately preceding meeting.
- e) To alter the order of business.
- f) To proceed to the next business.
- g) To close or adjourn the debate.
- h) To appoint and refer a matter to a committee, sub-committee, working party or any members thereof.
- i) To adopt a report.
- j) To authorise the signing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To temporarily exclude the public and press.
- n) To silence or eject from the meeting a member named for misconduct.
- o) To invite a member having an interest in the subject matter under debate to remain.
- p) To give consent of the Council where such consent is required by Standing Order.
- q) To adjourn the meeting.

Management of information Section -13

See also standing order 22.

- 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.**

Draft minutes – Section 14

- 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 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.”
- c 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.
- d **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- c. Notwithstanding the discussion on matters arising from the minutes of the immediately preceding meeting, no discussion shall take place on the Minutes except upon their accuracy. Correction to the Minutes shall be made by resolution and shall be initialled by the Chairman. Minutes only become public record once they have been ratified and signed. However draft documents will be circulated to councillors and are available to view on the website. The minutes of a meeting shall record the names of councillors present.
- d. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
- e. All minutes of the Council shall be posted on the council website and be made available to the public after ratification by the Council. However draft form is also available to view on the website.
- f All non-electronic correspondence should be on Council headed paper and shall be signed by the Town Clerk, or by the RFO or by the Mayor [as appropriate] in which cases it shall be copied to the Town Clerk.
- g Correspondence other than on Council headed paper and signed by the Clerk/proper officer or Mayor shall not be the will of the Council.
- h All correspondence related to council business from individual Councillors shall be copied to the Town Clerk and to the mayor [and to the RFO where appropriate].
- i Mail received electronically by the clerk will be available on request.

- j. The Clerk and the RFO shall each maintain and shall each review at least every **twelve** months [or more frequently if they have had, for whatever reason, to divulge the password to any other party] passwords to protect the electronic files of Hungerford Town Council for which they are responsible. A register of respective passwords and their changes shall be lodge in safekeeping. This shall not detract from any freedom of Information requirements but shall prevent apparent but unauthorised use of the Clerk's and the RFO's authority.

Code of conduct and dispensations – Section 15

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he/she 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/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c Unless he/she 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/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she 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 Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] 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 (d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for

which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

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

Interests

- i** If a member has a personal interest as defined by the Code of Conduct, then he/she shall declare such interest as soon as it becomes apparent disclosing the existence and nature of that interest as required.
- j** If a member who has declared a personal interest then considers the interest to be prejudicial, he/ she must withdraw from the room or chamber during consideration of the item to which the interest relates. Under clause 12(2) of the LA (Model Code of Conduct) as adopted by HTC, the member may attend such a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, but must thereafter leave the room.
- k** The Clerk shall compile and hold a Register of Members' Interests and provide details to the Monitoring Officer of the Responsible Authority as required by Statute.

Code of conduct complaints – Section 16

- a** Upon notification by West Berkshire 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 13 above, report this to the council.
- b** Where the notification in standing order (a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to

the complaint until it has been determined [(England) and the council has agreed what action, if any, to take in accordance with standing order (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 *(England)* **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

Proper Officer – Section 17

- a The Proper Officer shall be either (i) the 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, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, 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 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. subject to standing order 11, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer;
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other

- legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also *standing order 24*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the E&P Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of E&P committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also *standing order 24*).

Responsible Financial Officer –Section 18

- a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

Accounts and accounting statements – Section 19

- 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 as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments 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 at 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 to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

Accounts

- f
- (i) Except as provided in paragraph (b) of this Standing Order, all accounts for payment shall be laid before the Council.
 - (ii) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer (RFO or Clerk) also abiding with 4.1 of the Financial Regulations on limits of delegation of expenditure.
 - (iii) All payments ratified under paragraph (b) of this Standing Order shall be separately included in the schedule of payments laid before the Council.

Financial controls and procurement – Section 20

- 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 for fitness of purpose, once a year after receipt of the Auditor's Report.

- 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 Regulations 109-114 of 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 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; or by email
 - v. tenders shall be opened by the Proper Officer 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

Estimates

- e The Council shall approve written estimates from contractors for the coming year at its meeting in the month of **January**. Any committee desiring to incur expenditure shall, not later than the end of the calendar year give the Clerk a written estimate of expenditure recommended for the coming year. The Clerk should actively seek quotations from Hungerford based contractors wherever practical.

Contracts

- f Neither the Council nor any committee is bound to accept the lowest tender.
- g If no tenders are received or all the tenders are identical, the Council shall make arrangements for procuring the goods or materials, or executing the work as it thinks fit.

- h 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 the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- i 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 the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

Handling staff matters – Section 21

- a A matter personal to a member of staff that is being considered by a meeting of the staffing committee is subject to standing order 13a above.
- b The clerk will keep a record of absences and notify the staff committee of any irregularities.
- c The chairman of [the staff committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of All employees. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the F&GP committee.
- d 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.
- e 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
- f Only persons with line management responsibilities shall have access to staff records referred to in standing orders (d) and (e) above if so justified.
- g Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders (d) and (e) above shall be provided only to council officers and the Mayor.

Grievance & Complaints Procedure for Councillors

- a. Any Councillor with any grievance or complaint relating to the conduct of any other Councillor or member of staff arising out of any business or decision of the Town Council or any of its Committees, is requested to report the matter to the Mayor, either verbally or in writing, within seven days of the event giving rise to the grievance or complaint. The Mayor will endeavour to resolve the matter in discussions with the Councillors concerned and any other Councillors he/she may wish in his/her discretion to consult within fourteen days of receiving such report. Should the grievance or complaint involve the Mayor the matter should be referred to the Chairman of the Finance and General Purposes Committee.
- b. If the matter shall not be so resolved to the satisfaction of all concerned, or if for any reason it shall be inappropriate for the matter to be dealt with by the Mayor, the matter may be referred to the Finance and General Purposes Committee or in the case of a member of staff to the staffing committee, which will meet within one calendar month (or such shorter period as the Chairman of that Committee shall consider appropriate) to discuss the matter. Following such discussion the decision of the Committee shall be notified in writing by the Clerk to the Mayor and all Councillors within 7 days
- c. If any of the Councillors concerned shall be dissatisfied with the decision of the Finance and General Purposes Committee then the matter may be referred to the full Council under Part II procedures at its next meeting. Following such meeting the decision of the Council shall be final and notified in writing to all Councillors within 7 days.

Employees

- d. If at a meeting there arises any question relating to the appointments, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Staffing Committee has decided whether or not the public shall be excluded.
- e. A Staffing Committee will be formed in the same manner as other Committees of the Council. The Staffing committee will appoint staff; conduct reviews to decide changes in salary or terms and conditions; and act as an Appeals committee if no agreement is reached after reference to the Mayor.

Responsibilities to provide information – Section 22

See also standing order 23.

- 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. **[If gross annual income or expenditure (whichever is higher) does not exceed £25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**
OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

Responsibilities under data protection legislation **Section 23**

(Below is not an exclusive list).
See also standing order 13.

- 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 his 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.**

Relations with the press/media – Section 24

Hungerford Town Council Website and Contacts with press and media

- a. The Town Clerk or, if absent, the Mayor shall be the editor-in-chief of the Council pages on the Hungerford website: to ensure that articles for the website are suitable for publication, requests to add information to the site shall be addressed to the Clerk who will refer a copy of the proposed item to the Mayor.
Contact with the press shall be through the Clerk or Mayor representing the views of the Council.
If Councillors/individuals have any contact with the Press/media they must make clear that they are personal comments and do not represent the views of the Council
- b. The Clerk will be responsible for publishing agendas and minutes of the Council and all committees and sub-committees on the website without reference to the Mayor. Summaries are permissible only of meetings from which the public have been excluded in order to preserve the confidential nature of the detail of the business.

Admission of the Public and Press to meetings

- c. The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution: 'That in view of the special and/or confidential nature of the business about to be transacted, it is advisable in the

public interest that the press and public be temporarily excluded and they are required to withdraw.’

- d. The Clerk shall afford the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- e. If a member of the public interrupts the proceedings at any time, the Chairman may, after warning, order that he/she be removed from the chamber.

Execution and sealing of legal deeds – Section 25

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **[Subject to standing order 25(a), 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.]**
The above is applicable to a Council with a common seal.

OR

[Subject to standing order 25(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a Council without a common seal.

Restrictions on councillor activities - Section 26

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

Unauthorised activities

- b. No member of the Council or of any other committee or sub-committee shall in the name of or on behalf of the Council issue whether orally or in writing any orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee. All purchase orders shall be signed by the Clerk, RFO or office staff

- c. No Councillor shall act alone, make a decision or give an opinion on behalf of the Council; when on Council business, a councillor must be accompanied either by another Councillor, or by the Clerk, or by the RFO. save in the pursuit of research pertinent to the relevant Committee

Standing orders generally – Section 27

- a. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery of the member's Declaration of Office.
- b. A resolution to add, vary, or revoke a Standing Order shall stand adjourned without discussion to the next ordinary meeting of the Council.
- c. Standing Orders shall be reviewed in each election year and again not later than two years after the election year review.
- d. In an election year, councillors should execute a Declaration of Acceptance of Office and sign an undertaking to observe the adopted Standing Orders, the Code of Conduct of Council, the Local Government, England and Wales [Model Code of Conduct] Order, the Hungerford Town Council (NALC model): Disciplinary Procedures for Employees and the Hungerford Town Council Financial Regulations in force at the time, in the presence of the Proper Officer before the Annual Meeting commences.

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