



# Stratfield Mortimer Parish Council

## Standing Orders

### Interpretation

- 1 These are the Standing Orders of Stratfield Mortimer Parish Council.
- 2 Headings in **blue** typeface are for guidance only.
- 3 Text in **purple bold** type reflects legal and statutory requirements.
- 4 The following words or phrases expressed in **black bold** type shall have the meanings ascribed to them:

<b>Agenda</b>	the agenda for a Meeting (generally contained in the Summons);
<b>Advisory Committee</b>	a Committee constituted further to s.102(4), Local Government Act 1972 “to advise the [Council] on any matter relating to the discharge of their functions”;
<b>Annual Meeting</b>	the annual Council Meeting;
<b>Body</b>	the Council, a Committee, a Sub-Committee or a Working Group as the context requires;
<b>Body Chairman</b>	the chairman of a Body as the context requires;
<b>Clear Day</b>	a day not including 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;
<b>Clerk</b>	the Clerk of the Council;
<b>Code of Conduct</b>	the Council’s Code of Conduct;
<b>Committee</b>	a committee of the Council (a Standing Committee, Advisory Committee or Other Committee);
<b>Council</b>	Stratfield Mortimer Parish Council;
<b>Council Chairman</b>	the chairman of the Council;
<b>Councillor</b>	an elected or co-opted member of the Council;
<b>Council Vice-Chairman</b>	the vice-chairman of the Council;
<b>DPI</b>	a disclosable pecuniary interest as defined in Appendix A to the Code of Conduct;
<b>Dispensation</b>	a Dispensation as defined in the Code of Conduct;
<b>Election Year</b>	a year in which ordinary elections for Council are held;
<b>Extraordinary Meeting</b>	a Meeting other than the Annual Meeting or an Ordinary Meeting called in accordance with these Standing Orders;

<b>Meeting</b>	a quorate, public, meeting of a Body;
<b>Meeting Chairman</b>	the chairman of a Meeting;
<b>Meeting Clerk</b>	the person clerking a Meeting;
<b>Member</b>	a member of the Body in question - ie a Councillor or non-Councillor (if permitted) appointed to the Body;
<b>Motion</b>	a motion submitted in accordance with these Standing Orders;
<b>Municipal Year</b>	a calendar year commencing on the date of the declaration of the results of the election of Councillors in an Election Year or the anniversary of that date until the next Election Year;
<b>Named Vote</b>	a vote in which each Voting Member present is asked in turn by the Meeting Chairman or Meeting Clerk how they vote and their name and vote is recorded in the minutes;
<b>Ordinary Meeting</b>	a scheduled Meeting of the Council or a Committee as the context requires;
<b>Other Committee</b>	a Committee other than a Standing Committee or Advisory Committee;
<b>Other Interest</b>	an interest as defined in Appendix B to the Code of Conduct;
<b>Parish</b>	the Civil Parish of Stratfield Mortimer;
<b>Proper Financial Practice</b>	proper practice as set out in the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide";
<b>Proper Officer</b>	the Clerk or such other person appointed by the Council Chairman to undertake the work of the Proper Officer if the position of Clerk is vacant or the Council Chairman considers it necessary;
<b>Resolution</b>	a resolution of a Body to do or not do something;
<b>Responsible Financial Officer</b>	the Clerk or such other person appointed by the Council Chairman to undertake the work of the Responsible Financial Officer if the position of Clerk is vacant or the Council Chairman considers it necessary;
<b>Sub-Committee</b>	a sub-committee established by a Committee;
<b>Standing Committee</b>	a Committee identified as such by the Council and meeting regularly (eg Planning);
<b>Summons</b>	the notice summoning a Meeting and specifying the Agenda;
<b>Voting Member</b>	a Member with a right to vote in respect of relevant items at a Meeting of a Body;
<b>WBC</b>	West Berkshire Council;
<b>Website</b>	<a href="http://www.stratfield-mortimer.gov.uk">www.stratfield-mortimer.gov.uk</a> ;
<b>Working Group</b>	a group established by the Council or a Committee to deal with time- and/or task- limited matters.

## The Council

### Introduction

- 5 The Council is the tier of local government responsible for the Parish.
- 6 The Council consists of fifteen Councillors, elected every four years.
- 7 In the event of a casual vacancy the Clerk will follow a statutory process that may result in either a by-election or in a co-option process to fill the vacancy.
- 8 The Parish is within the District of West Berkshire, and thus within the local authority area of WBC. WBC is a first-tier, unitary, authority responsible for the full range of local government services, such as education, transport, planning, social care, waste, trading standards, council tax collection, housing, and licensing.

### Council Chairman and Vice-Chairman

- 9 The Council has a Chairman and Vice-Chairman and:
  - 9.1 **subject to these Standing Orders, anything authorised or required to be done by, to or before the Council Chairman may in their absence be done by, to or before the Council Vice-Chairman;**
  - 9.2 **unless they have resigned or become disqualified, the Council Chairman and Vice-Chairman shall continue in office until the election of the Council Chairman at the next Annual Meeting.**

## Committees, Sub-Committees and Working Groups

### Creation and General

- 10 The Council may appoint Standing Committees, Ordinary Committees, Advisory Committees and Council Working Groups as necessary, and:
  - 10.1 shall determine their terms of reference;
  - 10.2 shall determine the number and time of the Ordinary Meetings of a Standing Committee up until the date of the next Annual Meeting;
  - 10.3 may determine the number and time of the Ordinary Meetings of an Other Committee or Advisory Committee up until the date of the next Annual Meeting;
  - 10.4 shall, subject to Standing Orders 13 to 15, appoint and determine the terms of office of members of the Body;
  - 10.5 shall either:
    - 10.5.1 appoint the Body Chairman; or
    - 10.5.2 require the Body to appoint the Body Chairman.
- 11 **Unless the Council determines otherwise a Committee may appoint Sub-Committees and Committee Working Groups as necessary, and:**
  - 11.1 **shall determine their terms of reference;**
  - 11.2 **shall, subject to Standing Orders 13 to 15, appoint and determine the terms of office of members of the Body;**
  - 11.3 shall either:
    - 11.3.1 appoint the Body Chairman; or

- 11.3.2 require the Body to appoint the Body Chairman.
- 12 Standing Committees, Other Committees, and their Sub-Committees may have powers to act defined in their terms of reference. Advisory Committees and Working Groups shall have no powers to act.
- 13 **Only Councillors may be Members of a Body which regulates and controls the finances of the Council.**
- 14 Unless the Council determines otherwise, Councillors and non-Councillors may be Members of a Body other than one which regulates and controls the finances of the Council.
- 15 **Unless the Council determines otherwise, all Members of an Advisory Committee and/or a Sub-Committee of an Advisory Committee may be non-Councillors.**
- 16 The Council Chairman and Council Vice Chairman shall be ex officio Voting Members of every Committee.
- 17 The Council may dissolve a Body.
- 18 A Committee may dissolve a Body it has created.

## Meetings - General

### Meetings Overview and Quorum

- 19 **In addition to the Annual Meeting, at least three other Ordinary Council Meetings shall be held in each Municipal Year on such dates and times as the shall Council decide.**
- 20 **Council Meetings shall not take place at 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.**
- 21 **Meetings shall be held upon at least three Clear Days' notice.**
- 22 **No business may be transacted at a Meeting unless the number of Voting Members present is at least:**
- 22.1 **three and also one-third of the Voting Membership for a Council or Committee Meeting;** or
- 22.2 the quorum set out in the terms of reference for a Meeting of a Sub-Committee or Working Group.
- 23 **If a Meeting is or becomes inquorate no (further) business shall be transacted** and the Meeting shall be closed. The business on the Agenda shall be adjourned to another Meeting.
- 24 A Meeting shall not exceed a period of two hours unless proposed by the Meeting Chairman and agreed by majority vote before the scheduled end.
- 25 An invitation to attend a Council Meeting shall be sent, together with a copy of the Agenda, to each WBC Ward Councillor.

### Annual Meeting

- 26 **In an Election Year, the Annual Meeting shall be held on or within 14 days following the day on which the Councillors elected take office.**
- 27 **In year other than an Election Year, the Annual Meeting shall be held on such day in May as the Council decides.**
- 28 **If no other time is fixed, the Annual Meeting shall commence at 18:00.**

- 29 The first business conducted at the Annual Meeting shall be the election of the Council Chairman and Vice-Chairman.
- 30 In an Election Year, if the current Council Chairman has not been re-elected as a Councillor, they shall not have an original vote in respect of the election of the new Council Chairman but shall give a casting vote in the case of an equality of votes.
- 31 Following the election of the Council Chairman and Vice-Chairman the business of the Annual Meeting shall include:
  - 31.1 in an Election Year, delivery by the Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date;
  - 31.2 delivery by the Council Chairman and Vice-Chairman of their acceptance of office forms unless the Council resolves for this to be done at a later date;
  - 31.3 confirmation of the accuracy of the minutes of the last Council Meeting;
  - 31.4 receipt of the minutes or draft minutes of Committee Meetings since the last Council Meeting;
  - 31.5 the creation or dissolution of Committees;
  - 31.6 the appointment of Members to Committees;
  - 31.7 the appointment of Committee Chairmen by Voting Members of that Committee;
  - 31.8 the appointment of representatives to outside bodies, committees, etc;
  - 31.9 determining the time and place of Council Meetings and Standing Committee Meetings up to and including the next Annual Meeting;
  - 31.10 in an Election Year, either:
    - 31.10.1 to pass a Resolution with regard to the Council exercising the general power of competence; or
    - 31.10.2 to agree whether to make arrangements with a view to the Council becoming eligible to exercise the general power of competence.

### Ordinary Council Meetings

- 32 Ordinary Council Meetings shall take place in accordance with the schedule of meetings established at the Annual Meeting but, subject to Standing Order 19, may be moved or cancelled with the agreement of the Council Chairman.
- 33 The business of an Ordinary Council Meeting shall include:
  - 33.1 confirmation of the accuracy of the minutes of the last Council Meeting;
  - 33.2 receipt of the minutes or draft minutes of Committee Meetings since the last Council Meeting;
  - 33.3 Motions; and
  - 33.4 such other business as shall be agreed between the Clerk and the Council Chairman and/or any other Councillor as is appropriate.

### Extraordinary Council Meetings

- 34 The Council Chairman may convene an Extraordinary Council Meeting at any time.
- 35 Two or more Councillors may request in writing that the Council Chairman calls an Extraordinary Council Meeting, specifying the business to be conducted, but if the Council Chairman does not

call an Extraordinary Council Meeting within seven days of the request, any two or more Councillors may convene an Extraordinary Council Meeting and provide the Clerk with a public Summons (which must be signed by all of them) to be issued, giving the time and place for the Meeting and specifying the business to be conducted.

- 36 Only the business specified in the Summons may be transacted at an Extraordinary Council Meeting.

### Committee, Sub-Committee and Working Group Meetings

- 37 Meetings of a Committee shall be held in accordance with Standing Orders 21 to 24.
- 38 The terms of reference of Sub-Committees and Working Groups may determine:
- 38.1 the frequency, of meetings;
  - 38.2 if the public and press are to be permitted to attend any meeting;
  - 38.3 the public notice requirements, if any, required for meetings;
  - 38.4 if (and when) the public may participate, make representations, answer questions and give evidence at any meeting they are permitted to attend.

### Public Meetings

- 39 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.
- 40 With the agreement, and at the direction, of the Meeting Chairman, 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 Summons or, with the permission of the Meeting Chairman, any other matter, and:
- 40.1 the period of time designated for public participation at a Meeting in accordance with Standing Order 40 shall not exceed ten minutes unless directed by the Meeting Chairman;
  - 40.2 subject to Standing Order 40.1, an individual member of the public shall not speak for more than three minutes;
  - 40.3 a question raised in accordance with Standing Order 40 shall not require a response at the Meeting nor start a debate on the question and the Meeting Chairman may direct that a written or oral response be given.
- 41 Other than in accordance with Standing Order 40, a member of public may only speak at a Meeting with the explicit permission, and subject to the direction, of the Meeting Chairman.
- 42 Subject to Standing Order 43, a person who attends a Meeting is permitted to report on the Meeting whilst it 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.
- 43 A person present at a Meeting may not provide an oral report or oral commentary about a Meeting as it takes place without the permission of the Meeting Chairman.
- 44 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.

## Meetings – Procedure

### Meeting Chairman

- 45 The Body Chairman (or in the absence of the Council Chairman for Council Meetings, the Council Vice-Chairman) shall be the Meeting Chairman for a Meeting of that Body but, if they are absent, the first order of business at the Meeting shall be to elect a Voting Member to be Meeting Chairman.

### Speaking

- 46 A Member shall raise their hand when requesting to speak and may remain seated.
- 47 The Meeting Chairman shall direct the order of speaking.
- 48 A Member who speaks at a Meeting shall direct their comments to the Meeting Chairman.

### Interests

- 49 A Voting Member who has a DPI or Other Interest in a matter being considered at a Meeting is subject to the statutory limitations or other restrictions under the Code of Conduct on their right to participate and vote on that matter.

### Motions without Notice

- 50 The following Motions may be moved at a Meeting without written notice to the Clerk:
- 50.1 to correct an inaccuracy in the draft minutes of a Meeting;
  - 50.2 to move to a vote;
  - 50.3 to defer consideration of a Motion;
  - 50.4 to refer a Motion to a particular Committee or Sub-Committee;
  - 50.5 to appoint a person to preside at a Meeting;
  - 50.6 to change the order of business on the Agenda;
  - 50.7 to proceed to the next business on the Agenda;
  - 50.8 to require a written report;
  - 50.9 to appoint a Committee or Sub-Committee and their Members;
  - 50.10 to extend the time limits for speaking;
  - 50.11 to exclude the press and public from a Meeting in respect of confidential or other information which is prejudicial to the public interest;
  - 50.12 to not hear further from a Member or a member of the public;
  - 50.13 to exclude a Member or Councillor or member of the public for disorderly conduct;
  - 50.14 to temporarily suspend the Meeting;
  - 50.15 to suspend a particular Standing Order (unless it reflects mandatory statutory or legal requirements);
  - 50.16 to extend the Meeting (subject to Standing Order 24);
  - 50.17 to adjourn the Meeting; or
  - 50.18 to close the Meeting.

## Motions on Notice – Submission

- 51 A Motion shall relate to the responsibilities of the Body for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- 52 No Motion may be moved at a Meeting unless the proposer has given written notice of its wording to the Clerk at least fourteen Clear Days before the Meeting and it has been included on the Summons.
- 53 The Clerk may, before including a Motion received in accordance with these Standing Orders on the Summons, correct obvious grammatical or typographical errors in the wording of the Motion.
- 54 If the Clerk considers the wording of a Motion received in accordance with these Standing Orders is not clear in meaning, the Clerk may seek to agree a re-wording with the proposer but may require the proposer to table an amended Motion, such that its meaning is clear, in writing at least ten Clear Days before the Meeting.
- 55 If the wording or subject of a proposed Motion is considered improper, the Clerk shall consult with the Body Chairman to consider whether the Motion shall be included in the Summons or rejected.
- 56 Subject to Standing Order 55, the decision of the Clerk as to whether or not to include the Motion on the Summons shall be final.
- 57 Motions received shall be recorded and numbered in the order that they are received.
- 58 Motions rejected shall be recorded with an explanation by the Clerk of the reason for rejection.

## Motions on Notice – Procedure

- 59 Motions on the Summons shall be considered in the order that they appear unless the order is changed at the discretion of the Meeting Chairman.
- 60 A Motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 61 A Motion on the Summons that is not moved by its proposer may be treated by the Meeting Chairman as withdrawn.
- 62 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 Voting Members.
- 63 An amendment is a proposal to remove or add words to a Motion – it shall not negate the Motion.
- 64 If an amendment to the original Motion is carried, the original Motion (as amended) becomes the substantive Motion upon which further amendment(s) may be moved.
- 65 An amendment shall not be considered unless early verbal notice of it is given at the Meeting and, if requested by the Meeting Chairman, is expressed in writing.
- 66 A Member 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.
- 67 If there is more than one amendment to an original or substantive Motion, the amendments shall be moved in the order directed by the Meeting Chairman.
- 68 Subject to Standing Order 69, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Meeting Chairman.



- 69 One or more amendments may be discussed together if the Meeting Chairman considers this expedient but each amendment shall be voted upon separately.
- 70 A Member may not move more than one amendment to an original or substantive Motion.
- 71 The mover of an amendment has no right of reply at the end of debate on it.
- 72 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 on the first amendment or at the very end of debate on the final substantive Motion immediately before it is put to the vote.
- 73 Unless permitted by the Meeting Chairman, a Member may only speak once in the debate on a Motion except:
- 73.1 to speak on an amendment moved by another Member;
- 73.2 to move or speak on another amendment if the Motion has been amended since they last spoke;
- 73.3 to make a point of order;
- 73.4 to give a personal explanation; or
- 73.5 to exercise a right of reply.
- 74 During the debate on a Motion, a Member may interrupt only on a point of order or a personal explanation and the Member who was interrupted shall stop speaking. A Member 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 alleging.
- 75 A point of order shall be decided by the Meeting Chairman and their decision shall be final.
- 76 When a Motion is under debate, no other Motion shall be moved except:
- 76.1 to amend the Motion;
- 76.2 to proceed to the next business;
- 76.3 to adjourn the debate;
- 76.4 to put the Motion to a vote;
- 76.5 to ask a person to be no longer heard or to leave the Meeting;
- 76.6 to refer a Motion to a committee or sub-committee for consideration;
- 76.7 to exclude the public and press;
- 76.8 to adjourn the Meeting; or
- 76.9 to suspend (a) particular Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.
- 77 Before an original or substantive Motion is put to the vote, the Meeting Chairman shall be satisfied that the Motion has been sufficiently debated and that the mover of the Motion under debate has exercised or waived their right of reply.
- 78 Excluding motions moved in accordance with Standing Order 74, the contributions or speeches by a Member shall relate only to the Motion under discussion and shall not exceed five minutes without the consent of the Meeting Chairman.

## Voting

- 79 **All questions at a Meeting shall be decided by a majority of the Voting Members present and voting.**

- 80 Unless these Standing Orders provide otherwise, voting on a question shall be by a show of hands and the result of the vote only recorded unless:
- 80.1 a Voting Member asks for their vote to be specified in the minutes;
  - 80.2 where requested by at least one Voting Member prior to the vote being taken, the voting on any question shall be recorded so as to show how each Voting Member present cast their vote or abstained;
  - 80.3 where requested by at least two Voting Members prior to the vote being taken, the voting on any question shall be recorded by a Named Vote.
- 81 Subject to Standing Order 30, the Meeting Chairman 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.

### Prior Resolutions

- 82 A Resolution shall not be reversed within six months except:
- 82.1 by a special Motion on written notice by at least half plus one of the Voting Members given to the Proper Officer in accordance with Standing Order 52; or
  - 82.2 by a Motion moved in pursuance of the recommendation of a Committee or a Sub-Committee.
- 83 When a Motion moved pursuant to Standing Order 82 has been disposed of, no similar Motion may be moved for a further six months.

### Disorderly Conduct

- 84 No person shall obstruct the transaction of business at a Meeting or behave offensively or improperly and it shall be open to the Meeting Chairman to request such a person to moderate or improve their conduct.
- 85 If such a request is disregarded the Meeting Chairman or any other Voting Member may move that the person be no longer heard or be excluded from the Meeting. The Motion, if seconded, shall be put to the vote without discussion.
- 86 If a Resolution made under Standing Order 85 is ignored, the Meeting Chairman may take any appropriate steps to restore order or to progress the Meeting, including suspending, adjourning or ending the Meeting.

### Minutes

- 87 Draft minutes shall contain an accurate record of the following:
- 87.1 the time and place of the Meeting;
  - 87.2 the names of Members present and absent;
  - 87.3 interests declared by Voting Members;
  - 87.4 any grant of dispensation to Voting Member(s);
  - 87.5 whether a Voting Member arrived at, left or returned to the Meeting at any point after it commenced;
  - 87.6 if there was a public participation session; and
  - 87.7 any Resolutions made.

- 88 The draft minutes of a Meeting shall normally be issued to Members and published on the Website at the same time as the Summons for the next Meeting of the Body in question.
- 89 Draft minutes issued to Members with the Summons for a Meeting shall be taken as read.
- 90 The Meeting Chairman shall invite suggested corrections to draft minutes but only in relation to their accuracy, and any suggested correction shall be taken to be a Motion moved in accordance with Standing Order 50.1.
- 91 The accuracy of draft minutes, including any agreed amendments, shall be confirmed by Resolution and shall be signed by the Meeting Chairman, and shall stand as an accurate record of the Meeting to which the minutes relate.
- 92 Prior to their being signed as an accurate record, any Member may require the minutes of a Meeting at which they were present to include a paragraph in the following terms or to the same effect: “[X] stated that they did not believe that the minutes of the Meeting of the [Body] 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.”
- 93 **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.**

## Code of Conduct and Dispensations

### Dispensations

- 94 All Members shall observe the Code of Conduct and Voting Members are reminded that if they have a DPI or Other Interest in a matter being considered at a Meeting they are subject to statutory limitations or restrictions under the Code of Conduct on their right to participate and vote on that matter.
- 95 Unless granted a Dispensation, a Voting Member shall:
- 95.1 where they have a DPI, withdraw from any Meeting during the consideration of the matter in question; or
- 95.2 where they have an Other Interest, either:
- 95.2.1 withdraw from any Meeting during the consideration of the matter in question; or
- 95.2.2 take part in the debate only to the extent permitted by the Code of Conduct and not vote.
- 96 Unless previously granted and current, a request for a Dispensation 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, and shall include:
- 96.1 the description and the nature of the DPI or Other Interest in question;
- 96.2 whether the Dispensation is required to participate at a Meeting in a debate or a debate and a vote;
- 96.3 the date of the Meeting or the period (not exceeding the period between the request and the next date on which ordinary elections for Council will be held) for which the Dispensation is sought; and
- 96.4 an explanation as to why the Dispensation is sought.
- 97 A decision as to whether to grant a Dispensation shall be made at the beginning of the Meeting, by the Meeting of the Body in question and that decision will be final.

- 98 A Dispensation may be granted if, having regard to all relevant circumstances, any of the following apply:
- 98.1 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;
  - 98.2 granting the Dispensation is in the interests of persons living in the Council's area; or
  - 98.3 it is otherwise appropriate to grant a Dispensation.

### Code of Conduct Complaints

- 99 Upon notification by WBC that it is dealing with a complaint that a Member has breached the Code of Conduct, the Proper Officer shall, subject to Standing Orders 109 to 112, report this to the Council.
- 100 Where the notification referred to above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Council Chairman of this fact, and the Chairman shall nominate another person 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.
- 101 The Council may:
- 101.1 provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - 101.2 seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- 102 Upon notification by WBC that a Member has breached the Code of Conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.

### Proper Officer

- 103 The Proper Officer shall (or shall arrange):
- 103.1 no less than three Clear Days before a Meeting to:
    - 103.1.1 serve on Members 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; and
    - 103.1.2 publish, in a conspicuous place, public notice of the time, place and Agenda (or, for an Extraordinary Meeting convened by Members, the public notice supplied by them in accordance with Standing Order 35).
  - 103.2 subject to these Standing Orders and any Resolution to:
    - 103.2.1 include on the Agenda all Motions in the order received unless withdrawn;
    - 103.2.2 convene a Council Meeting for the election of a new Council Chairman if occasioned by a casual vacancy in that office;
    - 103.2.3 facilitate inspection of the minute book by local government electors;
    - 103.2.4 receive and retain copies of byelaws made by other local authorities;
    - 103.2.5 hold acceptance of office forms from Councillors;
    - 103.2.6 hold a copy of every Councillor's register of interests;

- 103.2.7 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;
- 103.2.8 liaise, as appropriate, with the Council's Data Protection Officer;
- 103.2.9 receive and send general correspondence and notices on behalf of the Council;
- 103.2.10 assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and/or electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (eg the Limitation Act 1980);
- 103.2.11 arrange for legal deeds to be executed;
- 103.2.12 arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 103.2.13 record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- 103.2.14 refer a planning application received by the Council to the Chairman, or in their absence the Vice-Chairman (if there is one), of the Planning Committee;
- 103.2.15 manage access to information about the Council via the publication scheme; and
- 103.2.16 retain custody of the seal of the Council (if there is one) which shall not be used without a Resolution to that effect.

## Responsible Financial Officer

### Financial controls and procurement

- 104 The Council shall have in place, and keep under review, Financial Regulations which shall include detailed arrangements in respect of the following:
  - 104.1 the keeping of accounting records and systems of internal controls;
  - 104.2 the assessment and management of financial risks faced by the Council;
  - 104.3 the work of the independent internal auditor in accordance with Proper Financial Practice and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - 104.4 the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - 104.5 whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

### Accounts and accounting statements

- 105 All payments by the Council shall be authorised, approved and paid in accordance with the law, Proper Financial Practice and the Council's Financial Regulations.
- 106 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:
  - 106.1 the Council's receipts and payments (or income and expenditure) for each quarter;
  - 106.2 the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- 106.3 the balances held at the end of the quarter being reported; and
- 106.4 which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 107 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- 107.1 each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
- 107.2 the Council with accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by Proper Financial Practice, for consideration and approval.
- 108 The year-end accounting statements shall be prepared in accordance with Proper Financial Practice and apply the form of accounts determined by the Council receipts and payments (or income and expenditure) for the year to 31 March. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## Management of Information

### General

- 109 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.
- 110 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/or 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.
- 111 The Summons, 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.
- 112 Councillors, other Members, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

### Freedom of Information

- 113 The Council shall have in place, and keep under review a Freedom of Information Policy, dealing with the publication of information in accordance with Freedom of Information legislation and its publication scheme, and responses to requests for information held by the Council.

### Data Protection

- 114 The Council may appoint a Data Protection Officer.
- 115 The Council shall have in place, and keep under review a Date Protection Policy dealing with responses to individuals exercising statutory rights concerning their personal data, and responses to and management of personal data, etc.

## Press/Media

- 116 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.

## Staff Matters

- 117 The Council shall have in place, and keep under review a Staff Policy dealing with appraisals of employees, grievances, security of employment records, etc.

## Execution and sealing of legal deeds

- 118 A legal deed shall not be executed on behalf of the Council unless authorised by a Resolution.
- 119 **Any two councillors may, on behalf of the Council, sign any deed so authorised and the Proper Officer shall witness their signatures.**

## Standing Orders Generally

- 120 All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended by Resolution in relation to the consideration of an item on an Agenda.
- 121 A Motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special Motion, supported in writing by at least eight Councillors, and given to the Proper Officer in accordance with Standing Order 52.
- 122 The Proper Officer shall provide a copy (which may be in electronic form) of these Standing Orders to a Councillor as soon as possible after they have delivered their acceptance of office form.
- 123 The decision of the Meeting Chairman as to the application of Standing Orders at the Meeting shall be final.