



# **BOGNOR REGIS TOWN COUNCIL STANDING ORDERS**

**Adopted by the Council at its Meeting held on 5<sup>th</sup> September 2022**

# INTRODUCTION

A Town Council is generally not required by law to make Standing Orders which regulate how they conduct their business, except with respect to the making of contracts for the supply of goods or materials or for the execution of works. However, the basic provisions in the 1972 Local Government Act (and other legislation) are insufficient for the majority of Town Councils and Standing Orders are therefore necessary for regulating the practical arrangements to give effect to statutory requirements.

Standing Orders are the written rules of a local Council and are essential to regulate the proceedings of a meeting. A Council may also use Standing Orders to confirm or refer to various internal organisational and administrative arrangements. The Standing Orders of a Council are not the same as the policies of a Council but Standing Orders may refer to them.

These Standing Orders have been drafted using the model document published by the National Association of Local Councils (NALC) in April 2022 as a basis.

These Standing Orders were adopted by Council on 5th September 2022, and replace all previous versions.

Any part of the Standing Orders printed in **bold type** may not be suspended (see Standing Order 26a), as they contain legal and statutory requirements.

In these Standing Orders the title of Chairman of the Council and Vice-Chairman of the Council when referring to meetings of the Full Council, denotes reference to the Mayor and Deputy Mayor.

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## **1. RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b No discussion shall take place upon the Minutes of the Council except upon their accuracy. Corrections to the Minutes shall be made by Resolution and must be initialled by the Chairman of the meeting.
- c A Motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- d A Motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- e If a Motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- f An amendment is a proposal to remove or add words to a Motion. It shall not negate the Motion.
- g 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.
- h An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- i A Councillor may move an amendment to his own motion if agreed by the meeting and if it has been seconded, with the consent of the seconder and the meeting.
- j If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman of the meeting.
- k Subject to Standing Order 1(l), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- l 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.
- m A Councillor may not move more than one amendment to an original or substantive motion.
- n The mover of an amendment has no right of reply at the end of debate on it.
- o 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.

- p Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a Motion except:
- i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the Motion has been amended since he/she last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- q During the debate on 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/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- r A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- s 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 or legal requirements.
- t 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/her right of reply.
- u Excluding motions moved under Standing Order 1(s), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed TWO minutes without the consent of the Chairman of the meeting except for the mover or seconder of the motion whose speech may not exceed THREE minutes.
- v The mover of an original motion (but not an amendment) shall have a right of reply, not exceeding FIVE minutes, immediately before the motion is put to the vote. [see 1n]

## 2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting, behave offensively or improperly or in such a manner as to breach the Council's Code of Conduct or bring the Council in to disrepute. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, the Chairman of the meeting 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.
- c If a Resolution made under Standing Order 2(b) is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-Committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- 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 Meetings of the Council shall normally be held in the Council Chamber of the Town Hall at 6.30 p.m. on Mondays every two months after the Statutory Annual Meeting of the Council or, if this is a Public Holiday, on the Tuesday after (the next day) or the following Monday, as the Town Mayor shall determine in consultation with the Town Clerk. The 6.30 p.m. start shall normally also apply to Council Committees where possible.
- f The period of time designated for public participation at a meeting in accordance with Standing Order 3(h) shall not exceed FIFTEEN minutes. Similar arrangements will apply at Committees except the Community Engagement and Environment Committee as noted in Standing Order 3(g).

- g A period of time designated for public participation not exceeding SIXTY minutes shall be allowed for meetings of the Community Engagement and Environment Committee only.
- h During the time designated for public participation, a Member of the public or Councillor not serving on the Committee, can ask questions or make statements, provided that if there are insufficient questions/statements to fill the FIFTEEN minutes (or SIXTY minutes at meetings of the Community Engagement and Environment Committee - see (g) above), the Council will commence business forthwith. Priority will be given to those who have submitted questions in writing in advance. Questioners must give their name before stating their question and may speak for up to a maximum of TWO minutes each or FIVE minutes if speaking on behalf of a group or organisation. The meeting will be formally adjourned during such period. Councillors who are appointed to a Committee are not permitted to speak under the Agenda item designated for public participation at meetings for the said Committee.
- i In accordance with Standing Order 3(h), a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise his/her hand when requesting to speak and may stand or remain seated when speaking.
- k A person who speaks at a meeting shall direct his/her comments to the Chairman of the meeting.
- l 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.
- m Whenever the Town Mayor rises during a debate all other Members shall be seated and silent.
- n **Subject to Standing Order 3(o), 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.** The Council will also take steps to ensure that children, the vulnerable and Members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.
- o **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- p **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.**
- q **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of a meeting may in his/her absence be done by, to or before the Vice-Chairman of the meeting.**

• r **The Chairman of the meeting, if present, shall preside at a meeting. If the**  
• Chairman is absent from a meeting, the Vice-Chairman of the meeting 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.

• s In the event of the Chairman or Vice-Chairman, as the case may be, arriving after  
• the commencement of the meeting, the Vice-Chairman or other Councillor  
• appointed pro tem shall vacate the chair and the Chairman or Vice-Chairman, as  
the case may be, shall thereupon preside.

• t **Subject to a meeting being quorate, all questions at a meeting shall be**  
• **decided by a majority of the Councillors and non-Councillors with voting**  
• **rights present and voting.**

• u **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/her casting**  
• **vote whether or not he/she gave an original vote.**

See Standing Orders 5(h) and (i) for the different rules that apply in the election of  
the Chairman of the Council at the Annual Town Council Meeting.

• v **Unless Standing Orders provide otherwise, voting on a question shall be by**  
• **a show of hands** or, if at least TWO Members so request, by signed ballot. **At**  
• **the request of a Councillor, the voting on any question shall be recorded so**  
• **as to show whether each Councillor present and voting gave his vote for or**  
• **against that question.** Such a request must be made before the vote is taken.

w The minutes of a meeting, whilst not a verbatim record of debate at a meeting,  
shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of Councillors who are present and the names of Councillors who  
are absent and the reason for the absence;
- iii. interests that have been declared by Councillors and non-Councillors with  
voting rights;
- iv. the grant of dispensations (if any) to Councillors and non-Councillors with  
voting rights;
- v. whether a Councillor or non-Councillor with voting rights left the meeting  
when matters that they held interests in were being considered;
- vi. if there was a public participation session;
- vii. the Resolutions made; and
- viii. The details of the recorded vote, if this has been requested by a Member at  
that meeting (see Standing Order 3v).



- x **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/her right to participate and vote on that matter.**
- y **No business may be transacted at a meeting unless at least one-third of the whole number of Members of the Council are present. The quorum is therefore 6.**

See Standing Order 4d(vi) for quorum of Committee/Sub-Committee meeting.

- z **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. This applies to all meetings except for those of the Planning and Licensing Committee where the agreed process for delegation of the comments on statutory planning application consultations to be submitted is followed.

- aa All meetings must conclude within TWO hours of starting, except the Community Engagement and Environment Committee which may be extended to TWO and a HALF hours. This time limit may be extended for any meeting by a maximum of FIFTEEN minutes for the conclusion of urgent business. Any business not completed within the set time frame would need to be referred to the next meeting.

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose Terms of Reference and Members shall be determined by the Committee.**
- b **The Members of a Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the Members of an advisory Committee and a Sub-Committee of the advisory Committee may be non-Councillors.**
- d The Council may appoint Standing Committees or other Committees as may be necessary, and:
  - i. shall determine their Terms of Reference upon recommendation from the Policy and Resources Committee;
  - ii. shall determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next Annual Town Council Meeting;
  - iii. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;
  - iv. shall, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of Members of such a Committee;
  - v. Committee Chairmen and Vice-Chairmen shall be appointed at the Annual Town Council Meeting and they shall hold office until the next Annual

Meeting Town Council Meeting;

- vi. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which, in both cases, shall be no less than three;
- vii. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee; [nb. The public and press are legally entitled to attend if the Sub-Committee has decision making powers.]
- viii. shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend;
- ix. may dissolve or alter the Membership of a Committee or a Sub-Committee;
- x. shall ensure that the political composition of, and the total number of places on, Committees fairly and as accurately as possible reflects the political composition of the Full Council;
- xi. The Town Mayor and Deputy Town Mayor ex officio shall be Members of the Policy and Resources Committee;
- xii. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee and Sub-Committee meetings. With the agreement of the Committee, the Chairman of each Committee shall have discretion as to whether Members may speak on a subject more than once and as to how many times;
- xiii. A Member who has proposed a motion that has been referred to any Committee, of which he/she is not a Member, may explain her/his motion to the Committee but shall not vote.

**5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the Annual Town Council Meeting shall be held on a Monday on or within 14 days following the day on which the Councillors elected take office.**
- b **In a year which is not an election year, the Annual Town Council Meeting shall be held on a Monday in May as the Council decides.**
- c **If no other time is fixed, the Annual Town Council Meeting shall take place at 6pm.**
- d **In addition to the Annual Town Council Meeting, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides. See 3e for policy on number of ordinary Council meetings.**
- e **The first business conducted at the Annual Town Council Meeting shall be the election of the Chairman and Vice-Chairman 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 Town Council Meeting until his/her successor is elected at the next Annual Town Council Meeting.

- g The Vice-Chairman of the Council, 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 Town Council Meeting.
- 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 Annual Town Council 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 shall 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 Annual Town Council 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 shall give a casting vote in the case of an equality of votes.
- j It is a convention of the Council that the Deputy Mayor (Vice Chairman) in any year shall, unless he/she resigns, becomes disqualified or is not re-elected as a Councillor, be put forward by Council as Mayor for the following year.
- k Council will also recommend a Councillor to become the new Deputy Mayor for the following year.
- l Following the election of the Chairman of the Council and Vice-Chairman of the Council at the Annual Town Council Meeting, the business shall include:
  - i. **In an election year, delivery by the Chairman of the Council, Vice-Chairman, 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 and Vice Chairman of his/her Acceptance of Office form unless the Council resolves for this to be done at a later date;**
  - ii. To receive apologies for absence and reasons for absence;
  - iii. To receive the Minutes of the last meeting of Council and after consideration to approve the signing of the Minutes by the person presiding as a correct record; to receive the Minutes of the Committees and Sub-Committees provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
  - iv. To receive any declarations of interest or dispensations;
  - v. Consideration of the recommendations made by a Committee;
  - vi. Review of delegation arrangements where appropriate;
  - vii. Review of the Terms of Reference for Council and Committees/Sub-Committees when appropriate;

- viii. Appointment of Members to existing Committees together with appointment of the Chairman and Vice-Chairman of the Committees;
  - ix. Appointment of any new Committees in accordance with Standing Order 4;
  - x. Review and adoption of appropriate Standing Orders and Financial Regulations;
  - xi. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
  - xii. Review of representation on or work with outside bodies and arrangements for reporting back;
  - xiii. In an election year, to make arrangements with a view to the Council becoming eligible or continuing to be eligible to exercise the General Power of Competence in the future;
  - xiv. Review of inventory of land and other assets including buildings and office equipment;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. To review any governance documents, policies, procedures and insurances as necessary;
  - xvii. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Town Council Meeting.
- m All Members are requested to give consideration to their attire when attending Council meetings including the Annual Town Council Meeting and dress appropriately.
  - n A Member may ask the Town Mayor any question concerning the business of the Council, provided notice of the question has been given in writing to the Town Clerk by 9 a.m. on the Monday morning prior to the meeting.
  - o No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
  - p Every question shall be put by the Councillor who has submitted the question. This shall be read verbatim without any alteration from the originally submitted question. The question shall be answered by the Mayor without discussion, who may decline to answer or may indicate that they will reply in writing subsequent to the meeting.
- 6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**
- a **The Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
  - b **If the Chairman of the Council does not call an Extraordinary Meeting of the Council within seven days of having been requested in writing to do so by TWO Councillors, any TWO Councillors may convene an Extraordinary Meeting of the Council. The public notice giving the time, place and agenda**

**for such a meeting shall be signed by the TWO Councillors.**

- c The Chairman of a Committee or a Sub-Committee may convene an Extraordinary Meeting of the Committee or the Sub-Committee at any time.
- d If the Chairman of a Committee or a Sub-Committee does not call an Extraordinary Meeting within two days of having been requested to do so by two Members of the Committee or the Sub-Committee, any TWO Members of the Committee or the Sub-Committee may convene an Extraordinary Meeting of the Committee or a Sub-Committee. The summons for the Extraordinary Meeting shall set out the business to be considered and no other business shall be transacted at that meeting.

## **7. PREVIOUS RESOLUTIONS**

- a A Resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least FOUR Councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a Committee or a Sub-Committee.
- b When a motion moved pursuant to Standing Order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

## **9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting 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. If the subject matter of a motion comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Town Mayor, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 6 clear days not later than the Monday in the week before the next meeting of the Council.
- c The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) is not clear in meaning, the motion shall be rejected until

the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least six clear days before the meeting.

- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included on the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the Motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

#### **10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct a factual inaccuracy in the unconfirmed minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular Committee or Sub-Committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a Committee or Sub-Committee and their Members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a Member of the public;
  - xiii. to exclude a Councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular Standing Order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

#### **11. MANAGEMENT OF INFORMATION**

See also Standing Order 20.

- a **The Council shall have in place and keep under review, technical and**

**organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e A Member of the Council may for purposes of his/her duty as such Member, but not otherwise, inspect any document which has been considered by a Committee or Sub-Committee or by the Council. Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has any Disclosable Pecuniary Interest. This Standing Order shall not preclude the Town Clerk to the Council from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

## **12. UNCONFIRMED MINUTES**

Full Council meetings           ●  
Committee meetings           ●  
Sub-Committee meetings       ●

- a If the unconfirmed minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the unconfirmed minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the unconfirmed minutes shall be moved in accordance with Standing Order 10(a)(i).
- c The accuracy of unconfirmed minutes, including any amendment(s) made to them, shall be confirmed by Resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish unconfirmed minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.** The Council has resolved to do this.
- e Subject to the publication of unconfirmed minutes in accordance with Standing

Order 12(d) and Standing Order 20(a) and following a Resolution which confirms the accuracy of the minutes of a meeting, the unconfirmed minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. CODE OF CONDUCT AND DISPENSATIONS**

See also Standing Order 3(x).

- 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 a meeting of the Council, or by the Proper Officer in accordance with the Council's Scheme of Delegation 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 13(d) and (f), a dispensation request 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.
- h **A dispensation may be granted in accordance with Standing Order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - 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;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**



iii. it is otherwise appropriate to grant a dispensation.

#### 14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Council.
- b Where the notification in Standing Order 14(a) 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 and the Council has agreed what action, if any, to take in accordance with Standing Order 14(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him, based on the recommendations of the Monitoring Officer or District Council's Standards Committee. Such action excludes disqualification or suspension from office.**

#### 15. PROPER OFFICER

- a The Proper Officer shall be either (i) the Town Clerk or (ii) other staff Member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the Council, 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 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least 3 day before

- the meeting confirming his/her 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/her 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 and make available for inspection, a copy of every Councillor's register of interests and to forward a copy, and any changes to it, to the Monitoring Officer and appropriate publication on the Town Council's website;
  - viii. assist with responding to requests made under current 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 should one be appointed in future.;
  - 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 23);
  - 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. The Clerk shall also have the authority and duties given to him/her under any Scheme of Delegation.
  - xv. In the case of genuine urgency, the Clerk has delegated authority to take action to resolve or alleviate the situation, within the legal authority and resources of the Authority, after consultation with the Mayor and Deputy Mayor or in their absence any TWO Committee Chairmen.
  - xvi. manage access to information about the Council via the Publication Scheme; and
  - xvii. to sign notices or other documents on behalf of the Council; 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 23).

## **16. RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff Member(s) to undertake the work of the Responsible Financial Officer (RFO) when the Responsible Financial Officer

is absent.

- b The duties of the RFO shall be set out in the Financial Regulations.

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 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 publish each month a statement to summarise:
  - i. the Council's income and expenditure for each month;
  - ii. the Council's aggregate income and expenditure for the year to date;
  - iii. the balances held at the end of the month being reported andwhich 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 income and expenditure for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability 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 apply the form of accounts determined by the Council 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.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by Policy and Resources Committee on the advice of the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent Internal Auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's

accounts and/or orders of payments; and

- v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. The tender process for contracts for the supply of goods, materials, services or the execution of works shall be carried out in accordance with the Council's Financial Regulations and Standing Orders for Contracts.
- d. Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **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 referred to in Standing Order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

#### **19. HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of the Joint Consultative Sub-Committee (Staffing) is subject to Standing Order 11.
- b. Any annual review of the pay and conditions of service of existing employees shall be undertaken by the Joint Consultative Sub-Committee (Staffing) in accordance with the national pay negotiations. Any review outside of this shall be referred to Council for ratification.
- c. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded.
- d. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- e. In accordance with Standing Order 11(a), persons with line management responsibilities shall have access to staff records referred to in Standing Order 19(d).
- f. The Council will set out its employment policies in its Employee Handbook and will bring them to the attention of staff. Delegation in respect of administering

these will be included in Terms of Reference and Delegation.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

See also Standing Order 21.

- a **In accordance with Freedom of Information legislation, the Council shall publish information in accordance with its Publication Scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

See also Standing Order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **22. RELATIONS WITH THE PRESS/MEDIA**

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

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

See also Standing Orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a Resolution.
- b **Subject to Standing Order 23(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.**

## **24. COMMUNICATING WITH DISTRICT AND COUNTY**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of Arun District Council and the division

Councillor of the West Sussex County Council representing the area of the Town Council.

- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward Councillor(s) representing the area of the Council.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised 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; or
  - iii. respond to official correspondence on behalf of the Council (unless specifically authorised by Council). All such correspondence must, at all times, be sent out by the Officers of the Council.
- b. No individual Member of the Council shall require the compilation of any information by Officers of the Council, or give instructions to any Officer or workman, except in so far as the Town Mayor or Committee Chairman is entitled to instruct the Town Clerk to include any item on a Council or Committee agenda pertinent to the work of the Council or Committee as appropriate and subject to such request conforming in all other respects with these Standing Orders.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements (**in bold**) may be suspended by Resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or change 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, the written notice by at least TWO Councillors to be given to the Proper Officer in accordance with Standing Order 9. No Standing Order may be changed unless so resolved by at least TWO THIRDS of the Members of the Council present at the meeting.
- c Whenever the Standing Orders are reviewed by Council, they shall be the subject of an advance report by the Proper Officer, clearly indicating the proposed changes.
- d The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible.
- e The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

## **27. COMPLAINTS PROCEDURE**

- a The Council shall deal with complaints made against it or against any Officer or Member in accordance with the Complaints Procedure adopted by the Council, except for those complaints which should be properly directed to the Monitoring Officer or to any other regulatory body listed in the Complaints Procedure for

consideration.

## **28. MOBILE PHONES**

- a Mobile phones must be switched off or on to “silent” mode at all times during meetings of Council, Committees, Sub-Committees and Working Groups. The only exception to this is where due to wholly exceptional circumstances the Chairman has agreed prior to the meeting that the mobile phone might be left on.

## **29. ANNUAL TOWN MEETING OF ELECTORS**

- a The Council will facilitate the Annual Town Meeting of Electors, to be held between the 1<sup>st</sup> March and 1<sup>st</sup> June (both inclusive), each year.
- b The Council will fix the day and time of the Annual Town Meeting of Electors but it must not commence earlier than 6pm.
- c At least 7 days public notice must be given of the meeting, specifying the time and place thereof and the business to be transacted.
- d The press and public have the same rights of admission as they have to a meeting of the Town Council.
- e The Council Chairman, if present presides at the Annual Town Meeting of Electors or in his/her absence the Vice-Chairman. If neither are present, the meeting elects a Chairman from the local government electors for the Parish who are present.

## **30. PRAYERS AT COUNCIL MEETINGS**

- a If the Council has adopted the General Power of Competence, prayers may be included as part of the meeting if the Council wishes.
- b If the Council is not eligible to adopt the General Power of Competence, prayers may take place before commencement of the meeting if the Council wishes, but Members cannot be summoned to attend.

## **31. CANDIDATES**

- a If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he/she and person to whom he/she is related shall disclose the relationship in writing to the Clerk. The Clerk shall report to the Council or to the appropriate Committee any such disclosure. Canvassing of any Member (s) or officers will lead to automatic disqualification.
- b This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.
- c The Clerk shall make known the purport of Standing Order 31(a) to every candidate and tenderer.

## **32. INTERESTS OF OFFICERS IN CONTRACTS**

- a The Town Clerk shall record in a book to be kept for the purpose, particulars of any notice given by an Officer of the Council under section 117 of the Local Government Act 1972, of a Disclosable Pecuniary Interest in a contract and the

book shall be open during office hours to the inspection of any Member of the Council.

- b The recording of a Disclosable Pecuniary Interest shall also apply in respect of the spouse of the Officer.