



## **STANDING ORDERS**

**of the**

**COUNCIL**

**of the**

**TOWN OF YARM**

for the regulation of the proceedings and business of the Council and made by the Council under and in pursuance of the Local Government Act 1971, on the twenty second day of September 1987 and revised on the tenth day of October 1995; the twenty-fourth day of April 2001, the eleventh day of December 2001, the twenty-fourth day of June 2003, and the eleventh day of December 2007.  
The eighth day of February 2011  
The Twenty seventh day of October 2011

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# STANDING ORDERS

## 1 Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- a **Meetings of the Council Weigh and Tolls Committeee shall be held in the Town Hall, Yarm to commence at 7.00 pm**
- b **Meetings of the Town Council shall be held in the Town hall, Yarm at 7.30 pm..**
- c **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 (including Maundy Thursday) or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- 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 Subject to standing order 1(d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. at the discretion of the meeting's Chairman.
- f A question asked by a member of the public whilst a meeting is adjourned in accordance with standing order 2(l)(ix) below shall not require a response or debate .

- g In accordance with standing order 1(e) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes, unless at the Chairman's discretion.
- h Any person speaking at a meeting shall address his comments to the Chairman
- i Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
-  j **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.**
-  k **In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  l **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**
-  m **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
-  n **Subject to standing orders questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
-  o **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)**
-  p **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda, and providing the request is made prior to the vote being taken.**

- q** The minutes of a meeting shall record the names of councillors present, those from whom apologies have been received (subject to standing order 1(s) below), and absent.
- r** A deputation may be received at any meeting of the Council if permission is given by the Council upon a motion duly moved, seconded and carried by a majority of the members present : Provided that:

  - a) A deputation shall not be received unless notice in writing of the intended deputation and of the objects thereof has been given to the Town Clerk and received by him not later than 10 a.m. on the day preceding the day of the meeting;
  - b) The members of a deputation shall not exceed three in number; Speeches, inclusive of the reading of the memorial (if one be presented), shall be of not more than 10 minutes duration; unless at the Chairmans discretion.
  - c) Not more than one deputation shall be received at any meeting of the Council
- s** If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- t** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- u** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below.*)
- v** No business may be transacted at a full Council meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a full Council meeting be less than 4.
- w** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at the next meeting.

## **2 Ordinary Council meetings**

*See also standing order 1 above*

- a In an election year, the Statutory annual meeting of the Council shall be held on the second Tuesday following the day of elections to the Council.**
- b In a year which is not an election year, the statutory annual meeting of the Council shall be held on the second Tuesday in May.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d The annual Parish Assembly meeting will take place on the first Tuesday In April, If no other time is fixed, the annual Parish assembly of the Council will take place at 7 pm.**
- e In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs. (Subject to Standing Order 33)**
- f The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- g The Chairman of the Council shall hold office for no more than Two consecutive years In any four year period.**
- h The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- i The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- j In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman**

**of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**

**k In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

**l Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.**

- i. To accept any apologies for absence.
- ii. In an election year, delivery by Councillors of their signed declarations of acceptance of office.
- iii. In an election year delivery by Councillors of their signed declaration of interests.
- iv. After consideration, to accept the minutes of the previous meeting as constituting an accurate record and to approve their signing as such by the Chairman of the meeting.
- v. To elect Committee Chairmen.
- vi. To elect Committee Members
- vii. To elect a Financial Officer (subject to audit regulations not an elected member)
- viii. To elect a Rate Payers Representative to the Weigh & Tolls Committee.
- ix. To elect representatives to outside bodies.

**The order of business at every other full meeting of the Town Council shall be:**

- 1. To appoint a Chairman of the meeting if both the Chairman and Vice - Chairman are absent**
- 2. To accept apologise for absence.**
- 3. After consideration, to accept the minutes of the previous meeting as constituting an accurate record and to approve their signing by the Chairman of the meeting.**
- 4. To invite any declarations of interest.**
- 5. To deal with any matters arising from the previous minutes.**
- 6. To accept the minutes of the Weigh and Tolls Committee.**
- 7. To authorise the payment of accounts and to attend to any other account related matters.**
- 8. To consider any items under Policy & Resources**
- 9. To consider the correspondence list.**

10. To adjourn the meeting to allow members of the public to address the Council.
11. To accept Committee reports and the minutes of any Committee meeting.

### 3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. **Serve on councillors electronically or in the event this is not possible, by delivery to the Councillor's residence a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
  - iv. Make available for inspection the minutes of meetings.
  - v. **Receive and retain copies of byelaws made by other local authorities.**
  - vi. **Receive and retain declarations of acceptance of office from councillors.**
  - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - viii. Keep proper records required before and after meetings;
  - ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

- xii. Arrange for legal deeds [to be sealed using the Council's common seal] OR [to be signed by 2 councillors] and witnessed (*See also model standing orders 14(a) and (b).*)
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. Refer a planning application received by the Council to the Chairman of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvi. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

- a Motions requiring written notice must be received by the Proper Officer at least 7 clear days before the meeting. Motions submitted less than 7 clear days before the meeting will not be accepted, other than to be included on the agenda for the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing orders, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders

shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.

- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution considered in this section shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## 5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds [to be sealed by the Council's common seal] OR [signed by two councillors] and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xvii. To authorise the payment of monies up to (£ 500 ).
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xix. To extend the time limit for speeches.

- xx. To exclude the press and public for all or part of a meeting.
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. To suspend any standing order except those which are mandatory by law.
  - xxiv. To adjourn the meeting.
  - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Except as provided by these Standing Orders any matter can be put forward without notice and if, following discussion of the matter a majority clearly support a particular course of action then their decision shall be treated as a resolution duly seconded and approved.
- c Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- d Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- e A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

- f A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- g Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- h A proposed or carried amendment to a motion shall not have the effect of rescinding negating or altering the basic intention of the original or substantive motion under consideration.
- i Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- j Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- k Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- l If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- m If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- n The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes unless at the discretion of the Chairman.
- o Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- p Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- q During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking.

A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.

r A point of order shall be decided by the Chairman and his decision shall be final.

s With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

t Subject to standing order 6(o) above, when a councillor's 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 silent or for him 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;
- ix. to suspend any standing order, except those which are mandatory.

t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

u

## **7 Code of conduct (England)**

- a All councillors shall observe the code of conduct adopted by the Council.**
- b If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## **8 Questions**

- a Questions not related to items of business on the agenda for a meeting shall only be asked during any adjournment of the meeting for the purposes of public participation**

## **9 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.**
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.**
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.**

- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10 Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 Rescission of previous resolutions**

- A A decision (whether affirmative or negative) of the Council shall not be reversed within 6 months except by way of either by a special motion, the written notice whereof bears the names of at least 4 elected members of the Council, and is placed on the Agenda for the next Full Council meeting.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on appointments**

- a Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

## 13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**
- d Any recommendation or motion which, if carried, would, in the opinion of the person chairing the meeting, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of the Council shall stand adjourned without discussion to the next ordinary meeting of the Council.
- e All cheques and other orders or instructions authorising the payment of money shall be signed on behalf of the Council by the Clerk or nominated person, and any two Members of the Council.
- f All requests to deliver up any item held on behalf of the Council in safe custody or for any other purpose or requests to transfer funds between current and deposit accounts shall be signed by the Clerk or nominated person.

## 14 Execution and Sealing of Legal deeds

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by the Council.
- (b) Any two Members of the Council may seal, on behalf of the Council, any document to be issued under seal.

## 15 Committees

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
  - v. Any Councillor may attend committee meetings and participate in any debate, but only those councillors appointed to the committee, and then Chairman, as ex-officio member of the committee, are permitted to vote.
  - vi. No committee shall commit the Council to any course of action or expenditure or shall make representations in the name of the Council, without the Council's prior and express consent.

## 16 Sub - committees

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## 17 Extraordinary meetings

*See also standing order 1 above*

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such**

**a meeting must be signed by the 2 councillors.**

- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 committee members, those 2 members may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

**(LGA 1972 Sch 12, paras 8,24 and s 88(2) LGA 1972 Sch 12, paras 9 and 25 and LGA 1972 ss 15(9) and 34 (9)).**

## **18 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **19 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## **20 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **21 Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **22 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect;
  - or
  - ii. issue orders, instructions or directions.

## **23 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be

removed from a committee or a sub-committee by a resolution of the Council.

## **24 Power of well-being (England)**

- a** Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b** The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c** After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

## **25 Matters affecting council employees**

- a** If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR [the sub-committee] has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b** Employees rights are protected by the Employment at Work Act 2002

## **26 Freedom of Information Act 2000**

- a** All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

## **27 Relations with the press/media**

- a** The Clerk may give to the press a factual statement of the matters discussed at any meeting of the Council.
- b** The only members entitled to make statements to the press on behalf of the council shall be the chairman of the council or in his absence, the vice Chairman.
- c** Nothing in 27(b) above, shall prevent other members of the council speaking to the press, provided they make it clear that they are speaking personally, and not on behalf of the Council.
- d** No leaflet shall be published under the impress of the Council, without the Council's

express prior approval.

## 28 Liaison with Borough Councillors

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Borough Council representing its electoral ward.

## 29 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 29(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £4,000.
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£4,000] shall be procured on the basis of a formal tender as required by the Public Contract Regulations 2006 (as amended) or the Utilities Contracts Regulations 2006 (as amended).**
- c **Where any proposed contract for the supply of goods, materials services and the execution of works with an estimate below that stated in 29 (b) above, is being considered, the Council can, without restriction, who to instruct subject to Clause 30.**
- d **Where the value of a contract is likely to exceed £4,000 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (S1 No. 5 as amended) and the Utilities Contracts regulations (S1 No.6 as amended) apply to the contract and, if those regulations apply, the Council must comply with EU procurement rules.**

## **30 Members Duties**

### **Duty to act within powers**

(1) A member of a the Council must—

- (a) Act in accordance with the Council's Standing Orders, and
- (b) Only exercise powers for the purposes for which they are conferred.

### **Duty to promote the success of the Council**

(1) Any decision which the Council takes must be taken in the way they consider, in good faith, would be most likely to promote the success of the local community for the benefit of its residents as a whole, and in doing so have regard (amongst other matters) to—

- a. the likely consequences of any decision in the long term,
- b. the interests of the residents,
- c. the need to foster the Council's relationships with community groups, local businesses and others,
- d. the impact of the Council's operations on the community and the environment,
- e. the desirability of the Council to maintain a reputation for high standards of conduct, and
- f. The need to act fairly as between members of the Council & residents.

### **Duty to exercise independent judgment**

(1) A member of the Council must exercise independent judgment.

(2) This duty is not infringed by his acting—

- (a) In accordance with an agreement duly entered into by the Council that restricts the future exercise of discretion by its members, or
- (b) In a way authorised by the Council's constitution.

### **Duty to avoid conflicts of interest**

(1) A member of a Council must avoid a situation in which he has, or can have, a direct or indirect interest that conflicts, or possibly may conflict, with the interests of the Council.

(2) This applies in particular to the exploitation of any property, information or opportunity (and it is immaterial whether the Council could take advantage of the property, information or opportunity).

(3) This duty does not apply to a conflict of interest arising in relation to a transaction or arrangement with the Council.

(4) This duty is not infringed—

(a) If the situation cannot reasonably be regarded as likely to give rise to a conflict of interest; or

(b) If the matter has been authorised by the Council.

(5) The authorisation is effective only if—

(a) any requirement as to the quorum at the meeting at which the matter is considered is met without counting the member in question or any other interested member, and

(b) The matter was agreed to without their voting or would have been agreed to if their votes had not been counted.

(7) Any reference in this section to a conflict of interest includes a conflict of interest and duty and a conflict of duties.

#### Duty not to accept benefits from third parties

(1) A member of the Council must not accept a benefit from a third party conferred by reason of—

(a) His being a member of the Council, or

(b) His doing (or not doing) anything as a member of the Council.

(2) A “third party” means a person other than the Council, an associated body corporate or a person acting on behalf of the Council or an associated body corporate.

(3) Benefits received by a member of the Council from a person by whom his services (as a member or otherwise) are provided to the Council are not regarded as conferred by a third party.

(4) This duty is not infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.

(5) Any reference in this section to a conflict of interest includes a conflict of interest and duty and a conflict of duties.

## 31 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## 32 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

## 33 Pre-election period

- a In an election year, special rules will apply to meetings for 25 working days prior to polling day i.e. from the day the election is usually called.
- b During this period the council's powers, facilities and resources must not be used for electoral campaigning or political purposes.
- c **The Town Councils normal business should be transacted as usual with any items which could be deemed as influential to political gain removed. The Town Council cannot make a decision to spend a large amount of money on a project as it is possible that the Councillors may not be re-elected and it may leave the new council beholding to a financial burden.**

## 34 Schedule

### **Policy and Resources**

1. to be responsible for the appointment and conditions of employment of Council employees.
2. to consider and advise on Standing Orders.
3. to be responsible for public relations and publicity and to deal with neighbouring communities and community associations.
4. to carry out strategic planning functions in relation to available and anticipated resources.
5. to advise on administrative improvements and to review Council activities to ensure that overall objectives are being met.
6. to receive details of income and expenditure and to consider requests for grants and donations.
7. to deal with civic and ceremonial matters.

### **Weigh & Tolls Committee**

1. to administer the Town Hall, Yarm Fair, the rights to charge standage, and the right to grant use of the High St., in accordance with the deed of indenture of 1925.
2. to have plenary powers
3. to operate within a Council approved budget.

Signed

Maureen Milburn, Clerk to Yarm Town Council Dated this... day of .....2011.