STANDING ORDERS
YEOVIL TOWN COUNCIL

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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 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e If a motion fails to obtain a seconder, it shall, unless postponed by the Town Council, be treated as abandoned and will not be moved without fresh notice.

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 their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

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 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 considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

r A point of order shall be decided by the chairman of the meeting and their 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 their 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, or to a personal explanation or to a point of order and shall not exceed 5 minutes without the consent of the chairman of the meeting.

v A member who has not spoken previously on the matter under debate may move without comment at the conclusion of a speech of another member "that the question be now put"; "that the debate be so adjourned"; "that the Council proceed to the next business"; or "that the Council do now adjourn" on the seconding of which the

Chairman shall proceed as follows:-

i. On a Motion to proceed to next business (unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed) they shall first give the mover of the original Motion a right to reply and then put to the vote the Motion to proceed to the next business.

ii. On a Motion that the question be now put (unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed) they shall first put to the vote the Motion that the question be now put and if it is passed then give the mover of the original Motion their right of reply under Standing Order 1 (n) before putting their Motion to the vote;

iii. On a Motion to adjourn the debate or the meeting (if in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion) they shall put the adjournment Motion to the vote without giving the mover of the original Motion their right to reply on that occasion.

2. DISORDERLY CONDUCT AT MEETINGS

a If at a meeting a member imputes motives or uses an expression which in the opinion of another member is offensive the Chairman may request the offending member to withdraw the imputation or expression.

b No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

c If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

d If a resolution made under standing order 2(c) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

e In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

f If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order their removal from the Council Chamber or meeting room. In case of general disturbance in any part of the chamber or meeting room open to the public the Chairman shall order that part to be cleared.

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 unless the meeting is convened at shorter notice.**		✓	
d	**Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**	✓	✓	
e	Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.	✓	✓	✓
f	The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting. Comments from the general public at a Planning Committee meeting may be permitted by the Chairman at other times during the meeting.	✓	✓	✓
g	Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.	✓	✓	✓
h	In accordance with standing order 3(e), 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.			
i	A person shall raise their hand when requesting to speak.	✓	✓	✓
j	A person shall stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.	✓		
k	A person who speaks at a meeting shall direct their 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	**Subject to standing order 3(n), 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.**	✓	✓	
n	**A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**	✓	✓	
o	**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.**	✓	✓	
p	**Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council (if there is one).**	✓		
q	**The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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. The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

r **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.** ✓ ✓ ✓

s **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 their casting vote whether or not he 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 meeting of the Council.

t **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. ✓

u The minutes of a meeting shall include an accurate record of the following: ✓ ✓ ✓

i. the time and place of the meeting;

ii. the names of councillors who are present and the names of councillors who are absent;

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; and

vii. the resolutions made.

v	**A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**	✓	✓	✓
w	**No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**. *See standing order 4d (viii) for the quorum of a committee or sub-committee meeting.*	✓	✓	
x	**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.	✓	✓	✓
y	A meeting should not normally exceed a period of 3 hours, although meetings can be extended at the Chairman's discretion with a comfort break if required.	✓	✓	✓

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 shall at the Annual Meeting appoint statutory and standing committees or other committees and may at other times appoint other Committees as may be necessary, and:

i. shall determine their terms of reference;

ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;

iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

v. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;

vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

vii. shall determine if the public may participate at a meeting of a committee;

viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

x. may dissolve or alter the membership of a committee or a sub-committee.

xi. A Committee will reflect the political balance of the Council (for the purposes of political balance, independent members will be classified as a group assuming the same affiliation).

xii. The Mayor and Deputy Mayor shall be members of every Committee (except the Staffing Committee), Sub-Committee and Working Party/Group unless they indicate a wish not to be a member.

xiii. The Chairman and Vice Chairman of a Committee shall be members of every Sub-Committee appointed by that Committee unless they signify that they do not wish to be a member.

xiv. Unless otherwise provided, the Town Clerk shall, from time to time, after consulting the Chairman of the Committee concerned (or, in their absence, the Vice-Chairman of the relevant Committee); the Mayor (or, in their absence, the Deputy Mayor) and a named representative of the Opposition Group(s) on the Council, take all necessary steps for protecting the interests of, or advancing the business of the Town Council, providing that action taken shall in all cases be reported to the next appropriate meeting of such Committee.

xv. The quorum of a Committee or Sub-Committee shall be one third of its members with a minimum of three members. In the event of it not proving possible to summon a quorate meeting of the relevant Standing Committee the Town Clerk shall be authorised to take appropriate necessary action on matters of an urgent nature, subject to consultation with the persons referred to on Standing Order 4 (d) (xiv).

xvi. Any Council member shall, unless the Council otherwise orders, be entitled to be

present at the meetings of any Committee or Sub-Committee of which they are not a member but shall not vote and shall only speak with the prior consent of the Chairman.

xvii. A member who has moved a Motion which has been referred to any Committee under Standing Order 1 (s) (i) shall be given an opportunity of explaining the Motion at the meeting at which it is considered.

5. ORDINARY COUNCIL MEETINGS

a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.** The Town Council shall meet at 7:30pm on such dates as may be fixed by the Town Council.

e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman** (Mayor) **and Vice-Chairman** (Deputy Mayor) **of the Council.**

f **The Chairman of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**

g **The Vice-Chairman of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the annual 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, they shall preside at the annual meeting until a new Chairman of the Council has been elected. They 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 Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:

i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**

ii. Confirmation of the accuracy of the minutes of the last meeting of the Council, approved and signed as such;

iii. Receipt of the minutes of the last meeting of a committee;

iv. Consideration of the recommendations made by a committee;

v. Appointment of Statutory and Standing Committees;

vi. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

vii. Review of the terms of reference for committees;

viii. Appointment of members to existing 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 external bodies and arrangements for reporting back;

xiii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;

xiv. Review of inventory of land and other assets including buildings and office equipment;

xv. Confirmation of arrangements for insurance cover in respect of all insurable risks;

xvi. Review of the Council's and/or staff subscriptions to other bodies;

xvii. Review of the Council's complaints procedure;

xviii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 12, 23 and 24*);

xix. Review of the Council's policy for dealing with the press/media;

xx. Review of the Council's employment policies and procedures;

xxi. Review of the Council's expenditure incurred under s.137 of the Local

Government Act 1972 or the general power of competence.

xxii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

a **The Chairman of the Council** or Committee **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.**

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 one third of councillors to be given to the Proper Officer in accordance with standing order 10, 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. CANCELLATION OF MEETINGS

a This rule applies to meetings of Council, Committees and Sub-Committees

i. The Town Clerk, in consultation with the Mayor or the Chair of the Committee/Sub-Committee (as appropriate), may cancel or postpone a meeting where there is no business to transact (i.e., no motions, reports or recommendations).

ii. The Town Clerk in consultation with the Mayor or the Chair of the Committee/Sub-Committee (as appropriate), may cancel or postpone a meeting, when an emergency or external forces make the holding of the meeting impossible or particularly difficult (e.g., Snow, ice, interruption of power supply, a risk in the breach of Health and Safety).

10. 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.

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 8 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(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 10(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 8 clear days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f 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; and insert it in the summons for the next appropriate meeting. If the mover in giving notice intimates in writing that he/she proposes to move it at some later meeting then the insertion shall be in the summons of the later meeting.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

i If a motion, notice of which is included in the summons be not moved, or should fail to obtain a seconder, it shall, unless postponed by the Town Council, be treated as abandoned and shall not be moved without fresh notice in accordance with 10(b).

11. 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 an inaccuracy in the draft minutes of a meeting;

ii. to move to a vote;

iii. to defer consideration of a motion;

iv. to amend a motion;

v. to withdraw a motion;

vi. to refer a motion to a particular committee or sub-committee;

vii. to appoint a person to preside at a meeting;

viii. to change the order of business on the agenda;

ix. to proceed to the next business on the agenda;

x. to require a written report;

xi. to authorise the signing of any documents;

xii. to appoint a committee or sub-committee and their members;

xiii. to extend the time limits for speaking;

xiv. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

xv. to not hear further from a councillor or a member of the public;

xvi. to exclude a councillor or member of the public for disorderly conduct;

xvii. to temporarily suspend the meeting;

xviii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);

xix. to adjourn the meeting; or

xx. to close the meeting.

12. MANAGEMENT OF INFORMATION

See also standing order 23.

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 No member of the Town Council or of any Committee or Sub-Committee shall disclose to any person, not a member of the Town Council, any business declared to be confidential by the Town Council, the Committee or the Sub-Committee, as the case may be.

13. UNAUTHORISED ACTIVITIES

a No member of the Town Council or of any Committee or Sub-Committee shall in the name of or on behalf of the Town Council, unless authorised to do so by the Town Council or the relevant Committee or Sub-Committee:

i. inspect any land or premises which the Council has a right or duty to inspect; or

ii. issue orders.

14. CANVASSING OF; AND RECOMMENDATIONS BY MEMBERS

a If a candidate for any appointment under the Council is to their knowledge, related to any member of, or the holder of any office under the Council, they and the person to whom they are related, shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do, shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council, or to the appropriate committee, any such disclosure. Where a relationship to a member is disclosed, the Standing Orders on interests of members in contracts and other matters shall apply. The Town Clerk shall make known the purport of this Standing Order to every candidate.

b Canvassing of members or of any Committee directly or indirectly for any appointment under the Town Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purport of this Standing Order to every candidate.

c A member of the Town Council shall not solicit for any person any appointment under the Town Council or recommend any person for such appointment or for promotion but nevertheless a member may give a written testimonial of a candidate's ability, experience or character for submission to the Town Council with an application for appointment.

d Standing Order (a), (b) and (c) shall apply to tenders as if the person making the tender was a candidate for an appointment.

15. DRAFT MINUTES

a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a) (i).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed and dated by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate. Each page shall be initialled as being a correct record.

d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they 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 (Town Council/Committee) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

16. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(v).

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

c Unless a dispensation has been granted, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they have the interest.

d Unless a dispensation has been granted, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they have the interest. Prior to leaving the meeting a councillor 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.

e **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.

f A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

g 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.

h Subject to standing orders 16(e) and (g), 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.

i A dispensation may be granted in accordance with standing order 16(f) 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;

iii. it is otherwise appropriate to grant a dispensation; or

iv. that without the dispensation the representation of different political groups transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

17. CODE OF CONDUCT COMPLAINTS

a Upon notification by Somerset Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 12, report this to the Council.

b Where the notification in standing order 17(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 17(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 Somerset Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

18. RECORD OF ATTENDANCE

a Every member of the Town Council attending a meeting of the Town Council or Committee shall sign their name in the attendance sheet provided for that purpose.

19. PROPER OFFICER

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

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee** or a sub-committee**,**

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

ii. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least 6 days before the meeting confirming their 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 their office;**

iv. **facilitate inspection of the minute book by local government electors;**

v. **receive and retain copies of byelaws made by other local authorities;**

vi. hold acceptance of office forms from councillors;

vii. hold a copy of every councillor's register of interests;

viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);

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 26);*

xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

xv. refer a planning application received by the Council to the Chairman, Vice-Chairman and Ward Members of the Planning Committee for comment if the nature of a planning application requires consideration before the next ordinary meeting of Planning Committee;

xvi. manage access to information about the Council via the publication scheme; and

xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect.
(s*ee also standing order 26)*.

20. RESPONSIBLE FINANCIAL OFFICER

a The Town Clerk is the Responsible Financial Officer.

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

21. 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 supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

i. the Council's receipts and payments (or income and expenditure) for each quarter;

ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

iii. the balances held at the end of the quarter being reported and

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

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

i. each councillor with a statement summarising the Council's receipts and payments (or 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 (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. 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.

22. FINANCIAL CONTROLS AND PROCUREMENT

a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

i. the keeping of accounting records and systems of internal controls;

ii. the assessment and management of financial risks faced by the Council;

iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing**

list of approved suppliers (framework agreement).

d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

   i. a specification for the goods, materials, services or the execution of works shall be drawn up;

   ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

   iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

   iv. tenders are to be submitted in an appropriate format as instructed by the Proper Officer;

   v. tenders are to be considered by either an appropriate Sub-Committee or the Proper Officer in consultation with either the Chairman of the Committee or by Councillor(s) delegated by the Committee.

   vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

23. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 24.

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.**

24. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 12.

a The Council may appoint a Data Protection Officer (DPO). The Town Clerk is the DPO.

b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**

c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

f **The Council shall maintain a written record of its processing activities.**

25. 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.

26. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 19(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 27(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 the Mayor and one other Councillor who shall sign the deed as witnesses.**

27. 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.

28. STANDING ORDERS GENERALLY

a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least one third of councillors to be given to the Proper Officer in accordance with standing order 10.

c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Yeovil Town Council
5th December 2023
To be reviewed: February 2024
(subject to changes in legislation, recommended practice, operations)