

# **TENTERDEN TOWN COUNCIL**



## **STANDING ORDERS**

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## TENTERDEN TOWN COUNCIL - STANDING ORDERS

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Please note: In any standing order following, unless the contrary intention appears,-

- a Words importing the masculine gender include the feminine
- b Words importing the feminine gender include the masculine
- c Words in the singular include the plural and words in the plural include the singular

# **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- c A motion on the agenda that is not moved by a proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 An amendment is a proposal to remove or add words to a motion. It shall not negate the original motion.
- f If an amendment to the original motion is carried, the amended motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment to a previously notified written motion 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.
- h A councillor may move an amendment to his own motion. If a motion has already been seconded, the amendment must be with the consent of the seconder and the meeting.
- i 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.

- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k 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.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o At Town Council meetings (and, if the chairman so directs, at committee meetings) and unless otherwise permitted by the chairman of the meeting, a councillor may speak only 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 in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.

- r When a motion is under debate, no other motion shall be moved except:
- i to amend the motion;
  - ii to proceed to the next business;
  - iii to adjourn the debate;
  - iv to put the motion to a vote;
  - v to ask a person to be no longer heard or to leave the meeting;
  - vi to refer a motion to a committee or sub-committee for consideration;
  - vii to exclude the public and press;
  - viii to adjourn the meeting; or
  - ix to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.
- u Except as provided otherwise, the standing orders on rules of debate apply to meetings of the Town Council and its committees but not to their sub-committees.
- v (i) The Town Council may resolve itself into a committee upon a motion, duly made and seconded, being carried by a majority of councillors present and voting.
- (ii) When and while the Town Council has resolved itself into a committee, the standing order prohibiting any councillor from speaking more than once on the same question shall be suspended and any officers or other person not a member of the Town Council may be heard with the consent of the Town Mayor

w A councillor must stand when speaking at meetings of the Town Council, unless excused by the Town Mayor **1j**

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## **2 DISORDERLY CONDUCT AT MEETINGS**

- a No person (whether a councillor or not) 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.
  
  - b 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
  
  - c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
-

### 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 primarily 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 or the day of the meeting. A clear day is not a Sunday, or any bank holiday or a day appointed for public thanksgiving or mourning.**

■ c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**

■ d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

e i If a person is resident in a ward of the Town Council and gives notice (specifying the matter on which they wish to speak) to the Town Clerk's Office by noon on the day of the meeting then, subject to stating their name and address before speaking, they may speak at committee meetings, as of right, on any matter relevant to the particular committee, for no more than 3 minutes unless extended by the chairman of the meeting.

- ii If a person is resident in a ward of the Town Council, and subject to stating their name and address before speaking, members of the public may speak at Town Council meetings, as of right, on any matter relevant to the Town Council, for no more than 3 minutes, without giving prior notice
  
- f The chairman may invite members of the public and borough and county councillors to speak at the relevant point in any Town Council or committee meeting on any agenda item, without that person being resident in a ward of the town council and without giving prior notice.
  
- g Subject to standing orders 3(e) and (f) above, a member of the public shall not speak for more than 3 minutes. *Subject to 1d and 1f above*
  
- h A question raised under standing order 3(e) above 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 stand when requesting to speak and 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.
  
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting and councillors shall refer to fellow councillors as "Cllr [*surname*]". The chairman may curtail any speech or address made under 3 (e) and 3 (f) above to not more than 3 minutes.
  
- k 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.

l *[blank]*

- m **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.**
  
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor or a committee chairman may in his or her absence be done by, to or before his or her deputy (if any).**
  
- o **The chairman of a committee (or, in the case of a Town Council meeting, the Town Mayor), if present, shall preside at a meeting. If the chairman (or Town Mayor) is absent from a meeting, his or her deputy, if present, shall preside. If both the chairman (or Town Mayor) and his or her deputy are absent from a meeting, a councillor, as chosen by the councillors present at the meeting, shall be acting chairman for the meeting.**
  
- p **Subject to a meeting being quorate, all questions (i.e. proposals / motions / considerations / matters / issues) at a meeting, shall be decided by a majority of the councillors with voting rights who are present and voting.**
  
- q **Subject, in the case of the annual meeting of the Town Council, to standing orders 5(i) and (j), 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 must exercise his casting vote whether or not he or she gave an original vote.**

- r i **Unless standing orders provide otherwise, voting on a question** (i.e. a proposal / motion / consideration /matter / issue) **shall be by a show of hands.** If the chairman so decides, or at least two councillors so request (which shall be minuted), a written ballot shall be held. **At the request of a councillor, the voting on any question shall be recorded** in the minutes **so as to show whether each councillor present and entitled to vote gave his vote for or against or abstained from voting on that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- ii The voting on the Town Council's annual budget shall always be recorded.
- s The minutes of a meeting shall include an accurate record of the following:
  - i the time and place of the meeting;
  - ii the names of councillors present and absent;
  - iii interests that have been declared by councillors and non-councillors with voting rights;
  - iv whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v if there was a public participation session;
  - vi the recommendations and resolutions made and, if a recorded vote is requested or required under standing order 3(r), how each councillor present voted - or abstained.

■ t **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 that code of conduct on his right to participate and vote on that matter.**

■ u **Quorum - No business may be transacted at a Town Council meeting unless at least one-third of the members of the Town Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.*

■ v **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.

w A meeting shall not exceed a period of 2 hours unless a majority of the members present and voting agree otherwise.

x Where it is known at agenda preparation time, that it will be in the public interest to exclude the press and public because of the business to be transacted on a particular item, then that item shall be placed last on the agenda. Where it is not previously known, the Chairman may vary the order of the agenda in order that the item is taken last on the agenda.

y Questions:

i During day-to-day business activities, a councillor may seek an answer to a question concerning any business of the Council provided 2 clear days' notice of the question has been given to the Proper Officer.

- ii At meetings of the Town Council or a standing committee, councillors may ask questions relating to the business of the Council or committee (as appropriate) that are not covered by an agenda item only during the part of the meeting set aside for councillors' questions, and there shall be no discussion held.
  
  - iii Replies to questions may be by an immediate oral answer or, where the reply to the question cannot conveniently be given immediately, a written answer published as an addendum to the minutes of the relevant meeting and, where the desired information is contained in a publication of the Town Council, may be limited to a reference to that publication.
  
  - z Any councillor attending a meeting of a committee of which they are not a member should, where practicable, sit in the area set aside for members of the public. Where this is not practical, such councillor must sit where directed by the committee chairman.
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## 4 COMMITTEES AND SUB-COMMITTEES

- a **Unless the Town Council determines otherwise, a standing committee may appoint a sub-committee whose terms of reference and members** (to include between 3 and 5 councillors) *or* (between 3 and 5 in number) **shall be determined by the standing committee.** Unless they decide otherwise, the chairman or deputy chairman of the standing committee shall be a member of the sub-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 Town Council determines otherwise, any or all the members of an advisory committee and sub-committee of the advisory committee may be non-councillors.**
- d The Town Council may appoint standing committees or 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 full Town 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) above, appoint and determine the terms of office of members of such a committee but the Town Mayor and Deputy Town Mayor shall be *ex officio* members of each standing committee;

- v may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
  - vi shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee. The quorum of a committee or sub-committee shall be no less than three voting members.
  - ix shall determine if the public may participate at a meeting of a committee;
  - x 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;
  - xi shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii may dissolve a committee.
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## **5 ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Town Council shall be held on or within 14 days following the day on which the new councillors are elected.**
- b **In a year which is not an election year, the annual meeting of the Town Council shall be held on such day in May as the Town Council may direct.**
- c **If no other time is fixed, the annual meeting of the Town Council shall take place at 7pm.**
- d **In addition to the annual meeting of the Town Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Town Council directs.**
- e Every agenda for every meeting of the Town Council shall include the following items:
  - i declarations of interest – councillors should declare any interest they hold in the items to be discussed at the meeting.
  - ii to deal with business expressly required by statute to be done; e.g. adopt the minutes.
  - iii to receive such communications that the Town Mayor may wish to lay before the meeting.
  - iv to receive the Town Mayor’s own announcements.
- f **The first business conducted at the annual meeting of the council shall be the election of the Town Mayor and Deputy Town Mayor (if any) of the Council.**
- g **The Town Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting of the Town Council until his successor is elected.**

- h **The Deputy Town Mayor, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor.**
- i **In an election year, if the current Town Mayor has not been re-elected as a member of the Town Council, he shall preside at the meeting until a successor as Town Mayor has been elected. He shall not have an original vote in respect of the election of the new Town Mayor, but must give a casting vote in the case of an equality of votes.**
- j **In an election year, if the current Town Mayor has been re-elected as a member of the Town Council, he shall preside at the meeting until a new Town Mayor has been elected. He may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.**
- k Following the election of the Town Mayor and Deputy Town Mayor (if any) at the annual meeting of the Town Council, the business of the annual meeting shall include the following unless the Town Council resolves for particular items to be deferred:
- i **In an election year, delivery to the Town Clerk by the Town Mayor and councillors of their acceptance of office forms** (*NB failure to comply results in a casual vacancy arising*). **In a year which is not an election year, delivery to the Clerk by the Town Mayor of his acceptance of office form;**
  - ii Confirmation of the accuracy of the minutes of the last meeting of the Town Council;
  - iii Receipt of the minutes of the last meeting of a committee;
  - iv Consideration of the recommendations made by a committee;
  - v Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

- vi Review of the terms of reference for committees;
- vii Appointment of members to existing committees;
- viii Appointment of any new committees in accordance with standing order 4 above;
- ix Review and adoption of standing orders and financial regulations;
- x Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi Review of representation on or work with external bodies and arrangements for reporting back;
- xii In an election year, to make arrangements with a view to the Town Council becoming eligible to exercise the general power of competence in the future;
- xiii Review of inventory of land and assets including buildings and office equipment;
- xiv Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv Review of the Town Council's and/or staff subscriptions to other bodies;
- xvi Review of the Town Council's complaints procedure;
- xvii review of the Town Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii Review of the Town Council's policy for dealing with the press/media; and

- xix Determining the time and place of ordinary meetings of the Town Council up to and including the next annual meeting of the Town Council.
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## **6 EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES**

- a The Town Mayor may convene an extraordinary meeting of the Town Council at any time.**
  
  - b If the Town Mayor does not or refuses to call an extraordinary meeting of the Town 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 Town Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
  
  - c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
  
  - d If the chairman of a committee (including a sub-committee) does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by 2 members of the committee, any two members of the committee may convene an extraordinary meeting of a committee.
-

## **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 6 councillors to be given to the Town Clerk in accordance with standing order 9 below (which special motion shall be debated by the standing committee, if any, that passed the original resolution), *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) above has been disposed of, no similar motion may be moved within a further six months, unless moved in pursuance of the recommendation of a standing committee or sub-committee.
-

## **8 VOTING ON APPOINTMENTS**

- a Selection of members for both internal and external committees shall be drawn by lot. Half the elected councillors will be allocated to each committee. Three substitutes will be selected to serve on the opposite committee in the event of absence. Volunteers will be invited for these positions. Should more than three councillors volunteer, lots will again be drawn to select substitutes from those volunteers.
  
  - b In all cases other than election to the internal and external committees, as in 8a above, where more than one person has been nominated for a position to be filled by or on the Town Council (including the Town Mayor and Deputy Town Mayor), voting is to be by way of written ballot, with only the tally of votes for each candidate and the outcome being announced.
  
  - c Where more than two persons have been nominated for a position to be filled by or on the Town Council (including the Town Mayor and Deputy Town Mayor) 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 must be settled by the casting vote exercisable by the chairman of the meeting.  
\*[the votes of more than half of the members present and voting].
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## **9 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b Except under standing order 10, no motion may be moved at a meeting unless it is pursuant to an item on the agenda for that meeting. Subject to standing orders 9(d) and (e), a motion to be proposed by a councillor shall be included on the agenda for the next meeting of the Town Council or a standing committee if the proposed mover has given the Town Clerk at least 8 clear days' written notice of its wording (not including the day of the notice or the day of the meeting).
- c The Proper Officer may, before including on the agenda a motion received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) 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 at least 6 clear days before the meeting so that it can be clearly understood.
- 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 Subject to standing order 9(e) above, 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 in a book for that purpose and numbered in the order that they are received.

- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
  - i Notices of motions may be given by email sent to the Town Clerk's official email address [townhall@tenterdentowncouncil.gov.uk](mailto:townhall@tenterdentowncouncil.gov.uk).
  - j No proposal requiring notice shall be discussed or voted upon unless sufficient background information (including the wording of any intended proposal) is circulated with the agenda papers for the relevant meeting, unless the council/committee decides otherwise.
-

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i to correct an inaccuracy in the draft minutes of a meeting;
  - ii to move to a vote;
  - iii to defer consideration of a motion;
  - iv to refer a motion to a particular committee or sub-committee;
  - v to appoint a person to preside at a meeting;
  - vi to change the order of business on the agenda;
  - vii to proceed to the next business on the agenda;
  - viii to require a written report;
  - ix to appoint a committee or sub-committee and their members;
  - x to extend the time limits for speaking;
  - xi to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii to not hear further from a councillor or a member of the public;
  - xiii to exclude a councillor or member of the public for disorderly conduct;
  - xiv to temporarily suspend the meeting;

- xv to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi to adjourn the meeting;
  - xvii to close a meeting.
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## **11 HANDLING CONFIDENTIAL AND / OR SENSITIVE INFORMATION**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine the confidentiality of confidential or sensitive information which for special reasons would not be in the public interest.
  - b Councillors and staff shall not disclose information the disclosure of which for special reasons would not be in the public interest and a councillor in breach of this standing order may be removed from membership of such committees and sub-committees as the Town Council may decide.
  - c Any business declared to be confidential shall remain so unless and until declared otherwise.
  - d Any sensitive documents will bear a protective 'official' marking with the words 'personal' or 'commercial' appended where appropriate.
  - e A standard non-dissemination footer will be added to staff and councillor emails to prevent forwarding without the sender's permission and to accommodate instances of emails being sent to the wrong recipient.
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## **12 DRAFT MINUTES**

- a At each meeting, the minutes of the previous meeting must be considered for accuracy. 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 considered 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 10(a)(i) above.
  
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
  
- d If the 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 (xxxxxx) held on [date] in respect of (xxxxxx) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
  
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

- f Subject to any specific questions or objections, minutes of standing committees that are presented to the full town council for adoption shall be taken as read if they have been circulated to the councillors no later than the day of service of the summons to attend the council meeting, Any recommendations to the council must be voted upon i.e. minute numbers of individual items to be presented by the relevant chairman and a vote taken in the usual way (proposer, seconder and voting by a show of hands).
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### **13 CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 3(t) regarding disclosable interests.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council. All councillors shall undertake induction training (including on the code of conduct) within 6 months of the delivery of their declaration of acceptance of office and be inducted into their roles as councillors using the induction process adopted from time to time by the council
  
- b Unless he has been granted a dispensation, a councillor, or non-councillor with voting rights, shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
  
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
  
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
  
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
  
- f A dispensation request shall confirm:
  - i the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  
  - ii whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  
  - iii the date of the meeting or the period (not exceeding four years) for

which the dispensation is sought; and

iv an explanation as to why the dispensation is sought.

g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, failing that, at the start of the meeting for which the dispensation is required

h **A dispensation must be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**

i **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**

ii **granting the dispensation is in the interests of persons living in the council's area or**

iii **it is otherwise appropriate to grant a dispensation.**

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## 14 CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Borough Council Monitoring Officer that he is dealing with a complaint that a councillor (or non-councillor with voting rights) has breached the town council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
  - b (spare)
  - c The council may:
    - i provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
    - ii seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - d **Upon notification by the Borough 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,** however there is an opportunity, at full town council, to take a formal vote of no confidence in that member if the circumstances so dictate.
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## 15 PROPER OFFICER

- a The Proper Officer shall be the Town Clerk (or Deputy Town Clerk in the Town Clerk's absence).
- b The Proper Officer shall:
  - i **at least three clear days before a meeting of the Town Council or a standing committee, serve on councillors, by hand delivery or post at their residences, a signed summons confirming the time, place and the agenda.** Alternatively, for councillors who so request, the summons and agenda can be sent by email, provided any such email contains the electronic signature and title of the Proper Officer.
  - ii **give public notice, by providing notice in the Town Council's notice-boards and on its website, of the time, place and agenda, at least three clear days before a meeting of the Town Council or a meeting of a committee. (Regarding the provision of public notice of an extraordinary meeting of the Town Council convened by councillors, the summons must be signed by those councillors who have convened the meeting);**
  - iii subject to standing order 9 above, include on the agenda all motions unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
  - iv **Arrange and summon a meeting of the Town Council for the election of a new Town Mayor, occasioned by a casual vacancy in that office;**
  - v facilitate inspection of the minute book by local government electors;
  - vi **receive and retain copies of byelaws made by other local authorities;**

- vii retain acceptance of office forms from councillors;
- viii retain a copy of every councillor's register of interests;
- ix assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Town Council's policies and procedures relating to the same;
- x receive and send general correspondence and notices on behalf of the Town Council except where there is a resolution to the contrary;
- xi manage the organisation, storage of, access to and destruction of information held by the Town Council in paper and electronic form;
- xii arrange for legal deeds to be executed (*see also standing order 22 below*).
- xiii arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Town Council in accordance with the Town Council's financial regulations;
- xiv record every planning application notified to the Town Council and the Town Council's response to the local planning authority in a folder for such purpose;
- xv refer a planning application received by the Town Council to the Chairman of the planning committee (or in his absence the Deputy Chairman) within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the planning committee;
- xvi manage access to information about the Town Council via the publication scheme; and

xvii retain custody of the seal of the Town Council which shall not be used without a resolution to that effect. *See also standing order 22 below.*

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## **16 RESPONSIBLE FINANCIAL OFFICER**

- a The Responsible Financial Officer (RFO) shall be the Town Clerk (or Deputy Town Clerk as deputy RFO in the Town Clerk's absence)
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## **17 ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of the '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, at least quarterly, a statement to summarise:
  - i the council's receipts and payments for each month per committee;
  - ii the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - ii to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Town Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the Town Council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 18 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 Town Council's accounts and/or orders of payments; and
  - v procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value below the tender threshold.
- b Financial regulations shall be reviewed regularly and at least annually for fitness for purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of the tender threshold specified from time to time in those regulations shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d Subject to additional requirements in the financial regulations of the Town 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 Town Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Town Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi tenders are to be reported to and considered by the appropriate meeting of the Town Council or a committee or sub-committee with delegated responsibility.
- e Neither the Town Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time the Town Council must consider whether the Public Contracts Regulations 2015 (SI No. 5, as amended) and the Utilities Contracts Regulations 2016 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**
- g Any expenditure incurred by the council shall be in accordance with the Council's Financial Regulations in force at the time.

- h The Town Council's financial regulations may make provision for the authorisation of the payment of money, in exercise of any of the Town Council's functions, to be delegated to the Town Clerk (or another specified employee) acting in conjunction with –
- i the Town Mayor or
  - ii the Responsible Financial Councillor or
  - iii the chairman of a specific standing committee
- i Spending committees of the Town Council shall submit to the Finance & General Purposes committee annually in November, estimates of their proposed expenditure. The Finance & General Purposes committee shall seek endorsement of its members, after considering such estimates and any amendments which they consider desirable, before recommending to the Town Council the approval of the estimates.
- j **The Town Council shall approve written** income and expenditure **estimates for the coming financial year** at a meeting before the end of December.
- k Donations and grants may be made by the Town Council in accordance with its *donations procedure* in force at the time, which is for guidance and not mandatory.
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## **19 HANDLING STAFF MATTERS**

- a Any matter personal to a member of staff that is to be dealt with by the Town Council (as opposed to the relevant line manager) shall be considered by a meeting of the Staff & Employment sub-committee and is automatically confidential and governed by standing order 11 above.
  
- b Subject to the Town Council policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Staff & Employment sub-committee or, if he is not available, the vice-chairman of the Staff & Employment sub-committee about absence occasioned by illness or other reason, and that person shall report such absence to the Staff & Employment sub-committee at its next meeting. In the case of the Town Clerk being absent due to illness, the Town Clerk shall in addition notify the Mayor, or in his absence the Deputy Mayor, directly.
  
- c The chairman of the Staff & Employment sub-committee or in his absence, the deputy chairman shall conduct an annual review of the performance and appraisal of the work of the Town Clerk. The review and appraisal shall be reported in writing and is subject to approval by resolution by the Staff & Employment sub-committee.
  
- d All implementations of the Town Council's grievance and disciplinary procedures shall, on their conclusion, be notified to the chairman of the Staff & Employment sub-committee (or, in his absence, the deputy chairman)
  
- e Subject to the Town Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by any employee relates to any member of the Staff & Employment sub-committee this shall be communicated by the employee's line manager to another member of the Staff & Employment sub-committee who shall report to the Staff & Employment sub-committee, which shall decide whether the member against whom the grievance is raised should be suspended from the sub-committee until the grievance is resolved.

- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
  - g The Town Council shall keep all written records relating to employees secure. All paper records shall be secured and locked in the Town Clerk's office and electronic records shall be password protected and encrypted.
  - h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
  - i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Town Clerk and the chairman of the Staff & Employment sub-committee.
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## **20 REQUESTS FOR INFORMATION**

- a Requests for information held by the Town Council shall be handled in accordance with the Town Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
  
  - b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance & General Purposes committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
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## **21 RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Town 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, which is -

"In dealing on behalf of the Town Council with requests from the press or other media for a statement or comment, the Mayor (or the appropriate standing committee chairman) and the Town Clerk must liaise with each other to agree an appropriate form of words. There is no restriction on individual councillors making comments through the press or other media provided these are clearly of their own personal opinions and not expressed on behalf of the council."

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## **22 EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing orders 15(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the Town Council unless authorised by a resolution.
  
  - b **Subject to standing order 22(a) above, the Town Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**
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## **23 COMMUNICATING WITH BOROUGH AND COUNTY COUNCILLORS**

- a Invitations to attend all meetings of the Town Council and standing committees shall be sent, together with the agenda, to the County and Borough councillors representing the area of the Town Council.
  
  - b Unless the Town Council determines otherwise, a copy of each letter sent to the Borough and /or County Council, shall be sent to the Borough and/or County councillor(s) (as appropriate) representing the area of the Town Council.
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## **24 RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless authorised by a resolution, no councillor shall, in the name of, or on behalf of the council or a committee or 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.
  
  - b Except where there are good reasons otherwise, as resolved by the Town Council, delegation by the Town Council should be to the Town Clerk jointly with a councillor (for example, a standing committee chairman) or group of councillors (for example, a sub-committee).
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## 25 STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory requirements (as indicated in **bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
  - b A resolution to permanently add, vary or revoke a standing order shall, when proposed to the Town Council and seconded, stand adjourned without discussion until the next ordinary meeting of the council.
  - c The Proper Officer shall provide a copy of the Town Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
  - d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
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## **26 CASUAL VACANCY FOR TOWN COUNCILLOR**

- a In the event of a vacancy occurring on the Town Council, and if no by-election is called, the following procedure is to be used in order to fill the vacancy by co-option.
- i Immediately after the declaration from Ashford Borough Council that no election is required, notice (of not less than 10 days) shall be given, expiring at noon on the Friday before the co-opting Council meeting, inviting nominations from the public;
  - ii The vacancy notice shall be displayed on all the Town Council's notice boards;
  - iii Nomination papers must be signed by a proposer and seconder who must be local government electors of the relevant Town Council ward for which there is the vacancy.
  - iv All signed nomination papers and the candidate's consent to nomination, together with the co-option questionnaire adopted at the time by the council completed by the candidate to the extent he or she wishes, must be received by the Town Clerk by noon on the Friday prior to the co-opting Town Council meeting.
  - v Standing order 8 shall apply to the election of a co-opted councillor.
  - vi The candidates' co-option questionnaires must be circulated – in confidence – to councillors before the co-opting town council meeting.
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## **27 SENIORITY OF COUNCILLORS**

- a Continuous service only will be taken into account for the purpose of deciding the seniority of councillors. In the event of two or more councillors being appointed or elected on the same day, those councillors shall, at the next meeting following appointment or election, draw lots to determine such seniority.
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## SENIORITY OF COUNCILLORS 2015-2019

1	Cllr. H. Edwards (1979)	<b>G</b>
2	Cllr. M. Hickmott (1995)	<b>K</b>
3	Cllr. A. Sugden (2003)	<b>F</b>
4	Cllr. Mrs. P. Smith (2007) <b>TM</b>	<b>I</b>
5	Cllr. M. Carter (2008)	<b>L</b>
6	Cllr. J. Nelson (2011) <b>DTM</b>	<b>H</b>
7	Cllr. Mrs. S. Ferguson (2013)	<b>E</b>
8	Cllr. C. Knowles (2014)	<b>M</b>
9	Cllr. Mrs. J. Curteis (2015)	<b>D</b>
10=	Cllr. Miss. N. Gooch (2015)	<b>N</b>
10=	Cllr. R. Isworth (2015)	<b>C</b>
10=	Cllr. Dr. L. Lovelidge (2015)	<b>O</b>
10=	Cllr. R. Lusty (2015)	<b>B</b>
10=	Cllr. K. Mulholland (2015)	<b>P</b>
10=	Cllr. T. Thorpe (2015)	<b>A</b>
11	Cllr. R. Knight	<b>Q</b>

n/a	Town Clerk	<b>J</b>
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