CREDITON
TOWN COUNCIL

STANDING ORDERS

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Preface

Throughout these standing orders, certain terms are used throughout. These terms and their definitions for the purposes of these Standing Orders are set out below.

The term Council shall mean Crediton Town Council unless otherwise indicated.

'Chair' and 'Vice Chair' refer to the offices of the Chair and Vice-Chair of Crediton Town Council unless otherwise indicated.

'Member' or 'councillor' refers, except where the content suggests otherwise, a person elected (whether their election is contested or not) and co-opted onto the council, or a person who is not a Member but who is a member of a committee or a sub-committee or is a member of, and represents the council on any joint committee or joint sub-committee of the council who in law is entitled to vote on any question which falls to be decided at a council, committee or sub-committee meeting.

'Resolution' is the legal term for a decision lawfully made by the majority of those present and voting at a council, committee or sub-committee meeting.

'Financial Regulations' are the standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

Some of the standing orders are mandatory because they reflect requirements of Acts of Parliament and subsequent regulations. For ease of reference, the orders or parts of orders concerned are printed in **bold type**.
The standing orders in bold type may not be amended unless the legislation out of which they are born changes.

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c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

f 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.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.

h 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.

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 Chair of the meeting.

j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.

k One or more amendments may be discussed together if the Chair 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o Unless permitted by the Chair 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 they last spoke

iii. to make a point of order

iv. to give a personal explanation

v. to exercise a right of reply.

p 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 they consider to have been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.

q A point of order shall be decided by the Chair of the meeting and their 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

ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the Chair 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.

t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

2. **DISORDERLY CONDUCT AT MEETINGS**

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

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

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

3. **MEETINGS GENERALLY**

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

● ● a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

● ● ● b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

● ● c **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.

d 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. This will be directed by the Chair of the meeting.

e The period of time public participation at a meeting in accordance with standing order 3(d) shall not exceed 15 minutes unless directed by the Chair of the meeting.

f Any non-member of the council being a registered local government elector within Crediton as amended from time to time, or at the discretion of the Chair, may ask a question at a Full Council meeting about any matter relating to the powers and duties of the Council. The questioner must state without discussion the question and to whom it is addressed. A maximum period of 3 minutes will be permitted for any person wishing to ask up to three questions, make a statement or give evidence to the Council. Where two or more persons wish to make a similar statement, a spokesperson should be elected from the group to speak on behalf of all. Where differing views are represented, a maximum of 3 minutes will be permitted for each viewpoint to be heard:

i. no non-member shall be entitled to ask more than three questions at any one meeting of the Council;
ii. all questions shall be put and answered without discussion
iii. the person presiding at the meeting to which a question is made, may respond to the question in such a manner as they at their absolute discretion consider appropriate by giving an oral answer; or by agreeing to use their reasonable endeavours to arrange for a written answer to all questions within ten clear working days of the meeting; or by declining to provide an answer in which event the person presiding at the meeting shall also specify the reason for so declining which shall be minuted;
iv. should a question be provided to the Town Clerk in writing before noon on the day before the meeting, reasonable endeavours shall be made to provide a response at the meeting where the question is received.

g Any non-member of the council being a registered local government elector within Crediton as amended from time to time, or at the discretion of the Chair, may ask a question at a Committee or Sub-Committee meeting about any matter relating to matters on the agenda only. The questioner must state without discussion the question and to whom it is addressed. A maximum period of 3 minutes will be permitted for any person wishing to ask up to three

questions, make a statement or give evidence to the Council. Where two or more persons wish to make a similar statement, a spokesperson should be elected from the group to speak on behalf of all. Where differing views are represented, a maximum of 3 minutes will be permitted for each viewpoint to be heard:

i. no non-member shall be entitled to ask more than three questions at any one meeting of the council
ii. all questions shall be put and answered without discussion
iii. the person presiding at the meeting to which a question is made, may respond to the question in such a manner as they at their absolute discretion consider appropriate by giving an oral answer; or by agreeing to use their reasonable endeavours to arrange for a written answer to all questions within ten clear working days of the meeting; or by declining to provide an answer in which event the person presiding at the meeting shall also specify the reason for so declining which shall be minuted
iv. should a question be provided to the Town Clerk in writing before noon on the day before the meeting, reasonable endeavours shall be made to provide a response at the meeting where the question is received.

h In accordance with standing order 3(d), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given. A written response will be provided to the member of public within 10 working days.

i A person shall raise their hand when requesting to speak, except when a person has a disability or is likely to suffer discomfort.

j In accordance with standing order 3(d) and (e), a member of the public shall not speak for more than 3 minutes, unless the Chair permits otherwise.

k A person who speaks at a meeting shall direct their comments to the Chair of the meeting.

l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair of the meeting shall direct the order of speaking.

k **Subject to standing order 3(m), 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.

l A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

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. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).

n **The Chair of the Council, if present, shall preside at a meeting. If the is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

o **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.**

p **The Chair 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 they gave an original vote.**

See standing orders 5(i) and (j) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands**, or other intent to vote. **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.

r 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, those who had submitted apologies and the names of councillors who were 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

vii. the resolutions made.

s **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.

t **No business may be transacted at a meeting unless at least one-third (four) 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(vi) for the quorum of a committee or sub-committee meeting.

u **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.

v A meeting shall not exceed a period of 2 hours but may be extended by 30 minutes following a resolution of the Council or Committee.

w Town, District, and County Councillors wishing to submit reports may give succinct verbal reports at the meeting, or must do so in writing to the Proper Officer at least three clear days before the meeting to enable the report to be included with the agenda publication, providing sufficient time for members of the Council to consider the reports' content and ask questions of the councillor at the meeting regards the content, if applicable.

4. COMMITTEES AND SUB-COMMITTEES

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

d The Council may appoint standing committees or other committees as may be necessary, and:

i. shall determine their terms of reference

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 to appoint its own Chair 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

x. may dissolve a committee or a sub-committee.

e All council members may attend all committee and sub-committee meetings of the council, excluding items discussed in Part II. They cannot vote, but may speak at the discretion of the Chair.

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.**

e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**

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

h The term of the Chair and Vice-Chair will last no more than two consecutive years.

i **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**

j **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

k Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business may include:

i. **In an election year, delivery by the Chair 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 Town Mayor 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

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

ix. Review and adoption of appropriate standing orders and financial regulations

x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses

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 Council becoming eligible to exercise the general power of competence in the future

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

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

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

xvi. Review of the Council's complaints procedure

xvii. 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 11, 20 and 21*)

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

xix. Review of the Council's employment policies and procedures

xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence

xxi. 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 Chair of the Council may convene an extraordinary meeting of the Council at any time.**

b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

c The Chair 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 Chair of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee or the sub-committee, any 2 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. **PREVIOUS RESOLUTIONS**

a A resolution (whether affirmative or negative) shall not be reversed within six months except by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9.

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 Chair of the meeting.

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

a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically

affects the Council's area or its residents. It shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.

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 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 10 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 Chair 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.

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

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

a The following motions may be moved at a meeting without written notice to the Proper Officer:

i. to correct 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 other information which is prejudicial to the public interest

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

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

xiv. to temporarily suspend the meeting

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

xvi. to adjourn the meeting

xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**
See also standing order 20.

a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. **DRAFT MINUTES**

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

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 10(a)(i).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d If the Chair 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 Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

● ● ● e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 21(a) and following 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.

g The Council will endeavour to publish the minutes of a meeting within 7 working days after the meeting to which the minutes relate.

13. **CODE OF CONDUCT AND DISPENSATIONS**
See also standing order 3(s).

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

b Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

c Unless they have 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 they have 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 had the interest.

d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting.

e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required 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

iv. an explanation as to why the dispensation is sought.

g A councillor who wishes to be granted a dispensation as described above must complete a Crediton Town Council Dispensation Request Form, and forward a signed copy to the Proper Officer as soon as practicable before the meeting of the council, its Committees, sub-committees and working groups where the dispensation is requested. The request will then be considered at the meeting when opened by the Chair.

h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:

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

ii. **granting the dispensation is in the interests of persons living in the Council's area; or**

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

i. A copy of the councillors' request and the decision of the meeting where the request is heard shall be kept with the councillors' Register of Interests.

14. CODE OF CONDUCT COMPLAINTS

a Upon notification by the Principal 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 them. Such action excludes disqualification or suspension from office.

15. 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**

- **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, committee or sub-committee.

Subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7

days before the meeting confirming their withdrawal of it:

ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office**

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

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

v. hold acceptance of office forms from councillors

vi. hold a copy of every councillor's register of interests

vii. 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

viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary

ix. 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)

x. arrange for legal deeds to be executed
(*see also standing order 24)*

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

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

xiii. arrange for a planning application received by the Council to be referred to the Community Committee within 21 working days of receipt and to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next Community Committee meeting

xiv. manage access to information about the Council via the publication scheme

xv. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (s*ee also standing order 24)*.

16. **RESPONSIBLE FINANCIAL OFFICER**

a The Council shall appoint a member of staff to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

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

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

iv. 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

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.

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 Council's accounts and/or orders of payments

   v. whether contracts with an estimated value below **£30,000** 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. 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 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 Council or a committee or sub-committee with delegated responsibility.

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

e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. **HANDLING STAFF MATTERS**

a A matter personal to a member of staff that is being considered by a meeting of the HR Committee is subject to standing order 11.

b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the HR Committee, or in their absence, the Chair of Council, of absence occasioned by illness or other reason and that person shall report such absence to the HR Committee its next meeting.

c The Chair of the Council and the Chair of the HR Committee shall conduct an annual appraisal of the work of the Town Clerk. A written record shall be kept securely in the council offices.

d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the HR Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the HR Committee.

e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of Town Council staff relates to the Chair or Vice-Chair of the HR Committee, this shall be communicated to another member of the HR Committee which shall be reported back and progressed by resolution of the HR Committee.

f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 20(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**
See also standing order 22.

a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

b. **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements)**

(England) Regulations 2015.

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**
See also standing order 11.

a The Council may appoint a Data Protection Officer.

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

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

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

b In accordance with the council's policy in respect to dealing with the press, public and/or other media, councillors shall not, in their official capacity, provide oral or written statements, letters or written articles to the press, public or other media.

23. **EXECUTION AND SEALING OF LEGAL DEEDS**
See also standing orders 15(b)(xii) and (xvii).

a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.

25. **GENERAL POWER OF COMPETENCE**

a Before exercising the general power of competence, a meeting of the full council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

b The council's period of eligibility begins on the date that the resolution understanding order 25(a) above was made and expires on the day before the annual meeting of the council that takes place in a year of ordinary elections.

c After the expiry of its preceding period of eligibility, the council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the council's preceding period of eligibility referred to in standing order 25(b).

26. **UNDUE INFLUENCE ON COUNCILLORS**

a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate. An employee of Crediton Town Council shall not canvass or solicit any councillor(s) in respect of their current employment with the Council for their benefit or gain.

b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the council or recommend a person or a current employee of Crediton Town Council for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.

27. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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.

iii. Incur any expenditure on behalf of the council or issue an instruction to incur any expenditure.

28. CREDITON CLOSED CIRCUIT TELEVISION SYSTEM (CCTV)

In accordance with CCTV protocols from time to time agreed by Crediton Town Council, members of Crediton Town Council undertake a declaration of confidentiality in respect of information and data to which they have access by virtue of their office as a town councillor and owner of the Crediton CCTV system, and will abide by all legislation on the operation and management of the system from time to time in force.

29. GRANT OF CREDITON CITIZEN AWARD

A decision to bestow such the Crediton Citizen Award is required to be made at a meeting of the Council. Additionally, at least two thirds of those present and voting must vote in favour of the proposal to confer the honour.

The rights attached to the award are not stipulated in legislation, therefore, for clarity, this Council will invite them to all civic events. A badge of honour will be presented to the individual.

30. STANDING ORDERS GENERALLY

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

b A motion to add to or 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 6 councillors to be given to the Proper Officer in accordance with standing order 9. It will be carried if two-thirds of the councillors at a meeting of the council vote in favour.

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

d A councillor's failure to observe standing orders more than three times in one meeting may result in them being excluded from the remainder of that meeting in accordance with standing orders.

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