



# Seaham Town Council

## Standing Orders for Business and Proceedings



**November, 2015**

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# 1 - Meetings

- 1.1 Meetings of the Council shall be held at Seaham Town Hall, Stockton Road, Seaham, SR7 0HP at 6.30p.m. unless the Council otherwise decides, or unless directed by the relevant Chairman.
- 1.2 The Statutory Annual Meeting (a) in an election year shall be held within 21 days of the elections to the Council and (b) in a year which is not an election year shall be held on either the second or the third Friday in May as appropriate.
- 1.3 Additional meetings shall be held as the Council determine.
- 1.4 **At the commencement of every meeting Members are reminded of the need to disclose any interest, prejudicial or personal, in accordance with the code of conduct and this reminder is displayed on the Agenda of every meeting.**
- 1.5 **Full Council 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.**
- 1.6 **For Full Council Meetings 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.**
- 1.7 **For Committee Meetings the minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- 1.8 **Full Council and Committee 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.**
- 1.9 **For Full Council and Committee Meetings photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- 1.10 **For Full Council and Committee Meetings 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.**
- 1.11 **For Full Council Meetings subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his/her absence be done by, to or before the**

**Deputy Mayor of the Council.**

- 1.12 For Full Council Meetings the Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- 1.13 For Full Council, Committee and Sub-Committee Meetings subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- 1.14 For Full Council, Committee and Sub-Committee Meetings the chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote. *(See standing orders 1.26 and 1.27 below for the different rules that apply in the election of the Mayor of the Council at the annual meeting of the council.)***
- 1.15 Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- 1.16 For Full Council, Committee and Sub-Committee Meetings a councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.**
- 1.17 No business may be transacted at a Full Council meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.  
*See standing order 4 below for the quorum of a committee or sub-committee meeting.***
- 1.18 If a Full Council, Committee and Sub-Committee 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.**

- 1.19 In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- 1.20 In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- 1.21 If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- 1.22 In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- 1.23 The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor of the Council.**
- 1.24 The Mayor of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.**
- 1.25 The Deputy Mayor of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- 1.26 In an election year, if the current Mayor of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.**
- 1.27 In an election year, if the current Mayor of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Mayor of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.**
- 1.28 Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual meeting of the council, the business of the annual meeting shall include. In an election year, delivery by the Mayor 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 Mayor of the Council of his/her acceptance of office form**

unless the council resolves for this to be done at a later date;

- 1.29 The Mayor of the Council may convene an extraordinary meeting of the council at any time.
- 1.30 If the Mayor of the Council does not or refuses to 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 must be signed by the two councillors.

## **2 – Chairman of Meeting**

- 2.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

## **3 – Proper Officer**

- 3.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Town Clerk:
- To receive declarations of acceptance of office.
  - To receive and record notices disclosing pecuniary interests.
  - To receive and retain plans and documents.
  - To sign notices or other documents on behalf of the Council.
  - To receive copies of bye-laws made by a County Council.
  - To certify copies of bye-laws made by the Council.
  - To sign summonses to attend meetings of the Council.
- 3.2 In any other case the proper officer shall be the person nominated by the Council, and in default of nomination, the Town Clerk.
- 3.3 The Proper Officer shall:
- At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a (signed for Full Council) summons confirming the time, place and the agenda.
  - Give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
  - Convene a meeting of full council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his/her office;
  - Receive and retain copies of byelaws made by other local authorities;

## 4 – Quorum

- 4.1 Three members shall constitute a quorum or a number equal to one third of the membership of the Council, a Committee or Sub-Committee, whichever is the greater.
- 4.2 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted shall be transacted at the next meeting or on such other day as the Chairman may decide.

## 5 – Voting

- 5.1 Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 5.2 If the Council so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
- 5.3 Subject to (5.4) and (5.5) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.
- 5.4 If the person presiding at the annual meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for the Chairman.
- 5.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 6 – Order of Business

(In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

- 6.1 At each Annual Meeting the first business shall be
  - To elect a Mayor.
  - To receive the Mayor's declarations of acceptance of office or, if not then received, to decide whether it shall be received.
  - To decide when any declaration of acceptance of office which have not been received as provided by law shall be received.
  - To elect a Deputy Mayor.
  - To appoint School Governors. (If vacancies are arising).
  - To appoint committees, Sub-Committees and representatives to serve on outside bodies.

- To consider the payment of any subscriptions falling to be paid annually.
- To inspect any deeds and trust instruments in the custody of the Council and shall thereafter follow the order set out in Standing Order 15.

6.2 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

6.3 In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees. (See also Standing Order 38) below.

6.4 After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

- To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- To deal with business expressly required by statute to be done.
- To dispose of business, if any, remaining from the last meeting.
- To receive such communications as the person presiding may wish to lay before the Council.
- To answer questions from Councillors.
- To receive and consider reports and minutes of Committees.
- To receive and consider reports from officers of the Council.
- To authorise the sealing of documents.
- To authorise the signing of orders of payment - unless authorised previously by the Finance and General Purposes Committee.
- To consider resolutions or recommendations in the order in which they have been notified.
- Any other business specified in the summons.

6.5 A motion to vary the order of business on the ground of urgency

- May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- Shall be put to the vote without discussion.

## **7 – Resolutions Moved on Notice**

7.1 Except as provided by the Standing Orders. no resolution may be moved unless the business to which it relates has been put on the Agenda by the Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least 5 clear days not later than the Friday in the week before the next meeting of the Council.

7.2 The Town Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which they have been

received and shall enter it in a book which shall be open to the inspection of every Member of the Council.

- 7.3 The Town Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 7.4 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 7.5 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, and stand referred without discussion to such Committee or to such other Committee as the Council may determine for a report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved
- 7.6 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

## **8 – Resolutions Moved Without Notice**

8.1 Resolutions dealing with the following matters may be moved without notice:-

- To appoint a Chairman of the meeting;
- To correct the Minutes;
- To approve the Minutes;
- To alter the order of the business;
- To proceed to the next business;
- To close or adjourn the debate;
- To refer a matter to the committee;
- To appoint a committee or any members thereof;
- To adopt a report;
- To authorise the sealing of documents;
- To amend a resolution;
- To give leave to withdraw a resolution or an amendment;
- To extend the time limit for speeches
- To exclude the public; (See Order 66)
- To silence or eject from the meeting a member named for misconduct; (See Order 33)
- To invite a member having an interest in the subject matter under debate to remain; (See Order 57)
- To give the consent of the Council where such consent is required by these Standing Orders;
- To suspend any Standing Order; (See Order 75)

## 9 – Questions

- 9.1 A Member may ask the Chairman or the Town Clerk any question concerning the business of the Council, provided notice of the question has been given to the person whom it is addressed before the meeting begins.
- 9.2 No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 9.3 Every question shall be put and answered without discussion.
- 9.4 A person to whom a question has been put may decline to answer.

## 10 – Rules of Debate

- 10.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
  - A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
  - A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
  - A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - No speech by a mover of resolution shall exceed three minutes except by consent of the Council.

An amendment shall be either:-

- To leave out words
- To leave out words and insert or add others
- To insert or add words
  
- An amendment shall not have the effect of negating the motion before the Council
- If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved
- A further amendment shall not be moved until the Council has disposed of every amendment previously moved
- The mover of a resolution or of an amendment shall have the right of reply, not exceeding three minutes.
- A member, other than the mover of the resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on the point of order, or in personal explanation, or to move a closure.

- A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

When a resolution is under debate no other resolution shall be moved except the following:-

- To amend the resolution;
  - To proceed to the next business;
  - To adjourn the debate;
  - That the question be now put;
  - That the member named be not further heard;
  - That the member named do leave the meeting;
  - That the resolution be referred to a committee;
  - To exclude the public and press;
  - To adjourn the meeting;
- A member shall remain seated when speaking.
  - The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - Members shall address the Chairman
  - If two or more members rise, the Chairman shall call upon one of them to speak and the others shall remain silent.
  - Whenever the Chairman rises or speaks during a debate all other members shall be silent.

## 11 – Closure

- 11.1 At the end of any speech a member may, without comment, move "that the question is now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded the Chairman shall put the motion, but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## 12 – Code of Conduct and Dispensations

- 12.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- 12.2 Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which

he has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he had the interest.

- 12.3 Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he had the interest.
- 12.4 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.
- 12.5 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.
- 12.6 A dispensation request shall confirm:
- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - an explanation as to why the dispensation is sought.
- 12.7 Subject to standing orders 12.4 and 12.6 above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- 12.8 A dispensation may be granted in accordance with standing order 12.5 above if having regard to all relevant circumstances the following applies:
- 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
  - granting the dispensation is in the interests of persons living in the council's area or
  - it is otherwise appropriate to grant a dispensation.

## **13 – Disorderly Conduct**

- 13.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 13.2 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.
- 13.3 If a resolution made under standing order 13.2 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.

## **14 – Right to Reply**

- 14.1 The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## **15 – Alteration of Resolution**

- 15.1 A member may, with the consent of the seconder, move amendments to his own resolution.

## **16 – Rescission of Previous Resolution**

- 16.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the name of at least 4 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- 16.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

## **17 – Voting on Appointments**

- 17.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of the person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until the majority of votes is given in favour of one person.

## **18 – Discussions and Resolutions Affecting Employees of the Council**

- 18.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. The Council should always have regard to statutory advice and good practice on such items.

## **19 – Resolutions on Expenditure**

- 19.1 Any resolution which, if carried, would, in the option of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

## **20 – Expenditure**

- 20.1 Orders for the Payment of money shall be authorised by resolution of the Council and signed by and three members or two members and the Proper Officer (The Clerk of the Council)

## **21 – Sealing of Documents**

- 21.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 21.2 Subject to standing order 21.1 above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

## 22 – Committees and Sub-Committees

- 22.1 The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- Shall not appoint any member of the committee so as to hold office later than the next Annual Meeting and
  - May subject to the provisions of Order 37 at any time dissolve or alter the membership of a committee.
- 22.2 The Mayor and Deputy Mayor of the Council shall be members of every Committee.
- 22.3 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- 22.4 The Chairman of the Committee or the Chairman of the Council may summon an additional meeting of that Committee at any time. Any additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at the meeting.
- 22.5 Unless the council determines otherwise, a committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.
- 22.6 The Chairman and Vice-Chairman of the Committee shall be members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.
- 22.7 Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or Sub-Committee shall be three, or one third of the Members, whichever is the greater.
- 22.8 The Standing Orders on rules of debate (except those relating to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to committee and Sub-Committee meetings.
- 22.9 The members of a Committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- 22.10 Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

## **23 – Voting in Committees**

- 23.1 Members of committees and sub-committees shall vote by show of hands, or, if at least two members so request and this is agreed by the Committee by single ballot.
- 23.2 Chairman of Committees and Sub-Committees shall in the case of equality of votes have a second or casting vote

## **24 – Presence of Non-Members of Committees at Committee Meetings**

- 24.1 A member who has proposed a resolution which has been referred to any Committee of which he is not a member, may explain his resolution to the Committee but shall not vote.
- 24.2 Any Member shall, unless the Council otherwise directs, be entitled to be a spectator at any meetings of a Committee of which he/she is not a Member.

## **25 – Financial Controls and Procurement**

- 25.1 Full consideration must be given using the Councils Standing Orders for Tendering and Contractual Procedures.
- 25.2 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:
- the keeping of accounting records and systems of internal controls;
  - the assessment and management of financial risks faced by the council;
  - 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;
  - the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - procurement policies (subject to standing order 25.5) including the setting of values for different procedures where a contract has an estimated value of £25,000 or less.
- 25.3 Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose. Financial Regulations must be compliant with the Accounts and Audit (England) Regulations 2011.
- 25.4 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 £25,000 shall be procured on the basis of a formal tender as summarised in standing order 25.5 below.
- 25.5 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:

- a specification for the goods, materials, services or the execution of works shall be drawn up;
- 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;
- the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate and required by legislation;
- tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 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;
- tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

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

25.7 For any public works, public service or public supply contract with an estimated value of over £25,000, the Public Contracts Regulations 2015/102 **must** be complied with as summarised in the table below:

Value of Contract (net of VAT)	Legal Requirements
Up to £25,000*	Requirements in the Council's Standing orders (and Financial Regulations).
Over £25,000*	Use of the Contract Finder website and other light touch rules in the Public Contracts Regulations 2015.
Over £172,514* or £4,322,012*	Other detailed and complex requirements in the Public Contracts Regulations 2015.

\*n.b. Thresholds as at Oct 2015

## 26 – Accounts and Financial Statement

26.1 Except as provided in paragraph (b) in this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

26.2 Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised or endorsed by the Committee having charge of the business to which it relates, or by the Mayor and Deputy Mayor or the Chairman or Vice-Chairman of the Finance and General Purposes Committee.

26.3 All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

26.4 The Town Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

## **27 – Estimates**

27.1 The Council shall commence to approve written estimates for the coming financial year at its Committee meetings in the month of October.

27.2 Whenever practicable the Council will declare its precept in the month of December.

## 28 – Interests

- 28.1. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1973 in any contract, proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the matter described in section 97(b) or:-
- The disability imposed upon him by those sections has been removed by the County Council; or
  - The Council invite him to remain ,or
  - The contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.
- 28.2 The Town Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member
- 28.3 If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct, he shall, having declared it, be invited to withdraw from the meeting.
- 28.4 If a candidate for any appointment under the Council is to his knowledge related to any member of the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a member is disclosed Standing Order 59 shall apply.

The Town Clerk shall make known the purport of This Standing Order to every candidate.

## 29 – Canvassing of and Recommendations by Members

- 29.1 Canvassing of members of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- 29.2 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion, but, nevertheless, a member may give a written testimonial or a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 29.3 Standing Orders Nos. 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **30 – Inspection of Documents**

- 30.1 A member for the purpose of his duty as such (but not otherwise), may inspect any other document in possession of the Council, a committee, and if copies are available, shall, on request, be supplied for the like purpose with a copy.
- 30.2 All minutes by the Council and by any committee shall be open for the inspection of any member of the Council.

## **31 – Unauthorised Activities**

- 31.1 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- Inspect any lands or premises which the Council has a right or duty to inspect; or
  - Issue orders, instructions or directions unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

## **32 – Admission of the Public and Press to Meeting**

- 32.1 The public and press shall be admitted to all meetings of the Council and its Committees and in accordance with the Local Audit and Accountability Act 2014, they have the right to make video and/or audio recordings

- 32.2 The Council and its Committees may, however, temporarily exclude the public and press by means of the following resolution:

"That in view of the special or confidential nature of the business about to be transacted. It is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw"

(Notes: The special reasons should be stated. Circular I/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a persons advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed)

- 32.2 The Town Clerk shall afford to the public and press reasonable facilities for observing and taking their report of any proceedings at which they are entitled to be present.
- 32.3 If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the meeting.

## **33 – Recording/Reporting of Council Meetings**

- 33.1 The Council acknowledges that it is required by legislation to allow any member of the public to take photographs, film and audio record the proceedings and report on all public meetings.

- 33.2 The Council acknowledges that **no** prior permission is required but asks that any person wishing to film or audio record a public meeting let Council staff know in order that all necessary arrangements can be made for the public meeting.
- 33.3 The Council will provide “reasonable facilities” to facilitate reporting.
- 33.4 The Council will provide a space to view and hear the meetings. This will not be part of the seating arrangements for the Council itself or an area required by Council staff or invited guests.
- 33.5 It is not permitted to provide a running verbal commentary.
- 33.6 Those undertaking reporting must not act in a disruptive manner. This could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc. the proceedings.
- 33.7 Examples are listed but are not inclusive:
- Moving to areas outside the areas designated for the public without the consent of the Chairman,
  - Excessive noise in recording or setting up or re-siting equipment during the debate / discussion.
  - Intrusive lighting and use of flash photography; and
  - Asking for people to repeat statements for the purpose of recording.
- 33.8 Public will be excluded from a meeting, under the Council’s Standing Orders, if acting in a disruptive manner.
- Recording equipment must be removed from the chamber if at any stage the meeting becomes a private meeting.
  - No trailing cables or plugging in to sockets of electrical equipment will be permitted.
  - Children and vulnerable adults are not to be filmed, recorded or photographed or otherwise reported about where the relevant responsible adult has not given consent. (which in the case of a vulnerable adult is a medical professional, their carer or legal guardian, and in the case of a child, their parent, legal guardian or teacher).
  - Part of the public area will be used, if required, for children and vulnerable adults or those public attending who do not wish to be filmed, however, this is within the limitation of the Council Chamber and its layout.
  - Persons taking part in the public participation section, excluding children and vulnerable adults as indicated above, may be filmed, recorded or photographed or otherwise reported whether they are in a designated area or not.
  - Persons filming meetings etc. are likely to record personal data of individuals. These persons must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.

## 34 – Confidential Business

- 34.1 No member of the Council or of any Committee or Sub-Committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the Committee or Sub-Committee as the case may be.
- 34.2 Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

## 35 – Communication with County Councillors

- 35.1 **The Council will endeavour to communicate with the County Councillors representing Seaham.**
- 35.2 Unless the Council otherwise orders, a copy of all Minutes of the Council shall be transmitted to each County Councillor representing Seaham.

## 36 – Planning Applications

- 36.1 The Town Clerk shall, as soon as it is received, notify the Council of every planning application notified to the Council.

## 37 – Code of Conduct on Complaints

- 37.1 The Council shall deal with the complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in issued by the National Association of Local Councils.
- 37.2 **Upon notification by [County Council] that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.**
- 37.3 **Where the notification in standing order 37.2 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined [and the council has agreed what action, if any, to take in accordance with standing order 37.5 below].**
- 37.4 **The council may:**
- **provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;**
  - **seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;**

**37.5 Upon notification by the County 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.**

## **38 – Variation, Revocation and Suspension of Standing Orders**

38.1 Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

38.2 A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **39 – Standing Orders to be given to Members**

39.1 A copy of these Standing Orders shall be given to each member of the Council upon delivery to him of the member's declaration of acceptance of office.

39.2 Standing Orders relating to Tendering and Contract Procedures – see following separate pages.