



Seaham Town Council

Standing Orders for Business and Proceedings



REVISED MARCH 2021

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1 MEETINGS

1.1 COVID-19 Modification of meetings Approved July 2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; In force between the dates of 4 April 2020 – May 2021 and the National Association of Local Councils, Legal Briefing Note, 3 April 2020.

Persons attending a council meeting do not need to be in the same place. "Place" means more than one place including electronic, digital, or virtual locations such as internet locations, web addresses or conference call telephone numbers.

A member in remote attendance attends the meeting at any time if the member is able at that time:

- a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting to exercise a right to speak at the meeting, and
- c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Voting at remote meetings will be carried out by either:

- a) a show of hands, or
- b) by a roll call of Councillors names and asking them to state their vote, or
- c) by another method of voting should a platform allow it

Notice of the Meeting

- a) The method of remote access for the press and public will be advertised on the meeting's agenda.
- b) Notice of a meeting must be placed on the Council's website or in a prominent physical place to meet advertising standards contained in Schedule 12 of the Local Government Act 1972.
- c) The Council will take account of social distancing requirements before deciding to put notices in physical spaces.

- 1.2 Meetings of the Council shall be held at Seaham Town Hall, Stockton Road, Seaham, SR7 0HP the last Tuesday of each month at 7.30 pm unless the Council otherwise decides, or unless directed by the relevant Chairman.
- 1.3 The Statutory Annual Meeting
- (a) in an election year shall be held on or within 14 days following the day on which the councillors elected take office, and
 - (b) in a year which is not an election year shall be held on a day in May as the Council decides
- 1.4 Additional meetings shall be held as the Council determine.
- 1.5 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.

Attendance of Councillors at Meetings

- 1.6 Section 85(1) of the Local Government Act 1972 states that subject to sub-sections (2) and (3) below if a Member of a local authority fails throughout the period of six consecutive months from the date of his last attendance to attend any meeting of the Authority he shall unless this was due to some reason approved by the Authority before the expiry of that period cease to be a Member of the Authority. For non-attendance during the said period disqualification is automatic and there is no right of appeal.
- 1.7 As a matter of courtesy the Council's current practise is to list Councillors apologies for absence. For the avoidance of doubt, it is specifically stated that such apologies cannot be regarded or construed as ever qualifying for attendance.
- 1.8 If a Councillor wishes due to exceptional circumstances to apply for a dispensation for a period of non-attendance the application must be submitted in writing to the Town Clerk with a reason for the absence. There is no requirement for the Councillor to state the nature or reason for such absence. On receipt of such an application the Town Clerk will report this to the first available meeting when an affirmative resolution must be passed before any dispensation may be granted. There is no entitlement to make a retrospective application for such a dispensation and the Council's decision on such application is final.
- 1.9 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.
- 1.10 For Full Council Meetings and all Committee and Sub-Committee meetings to ensure that every Council and Committee meeting is convened with the same required period of notice 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.

- 1.11 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.
- 1.12 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 by Council which shall give reasons for the public's exclusion.
- 1.13 In accordance with Council Policy the first 15 minutes of the Council Meeting will be available to allow members of the public present the opportunity to ask questions and address the Council.
- 1.14 The time designated for public participation at a meeting in accordance with standing order (1.13) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- 1.15 Subject to standing order (1.13), a member of the public shall not speak for more than 3 minutes unless the Chair agrees to allow a reasonable extension time.
- 1.16 A question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- 1.17 A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- 1.18 A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 1.19 Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 1.20 Subject to standing order (1.12), 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. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

- 1.21 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.
- 1.22 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.
- 1.23 The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if present shall preside. If both the Chairman and Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 1.24 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.
- 1.25 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 1.33 and 1.34 below for the different rules that apply in the election of the Mayor of the Council at the Annual Meeting of the council.)*
- 1.26 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. A named vote may be requested through the Chairman and must be acceded to.
- 1.27 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.
- 1.28 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.

- 1.29 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.
- 1.30 The length of any meeting of the Council, Committee or Sub-Committee should not exceed two hours unless the Members present agree by majority on voting to continue the business for an agreed longer period.
- 1.31 If no other time is fixed, the Annual Meeting of the Council shall take place at 7.30pm.
- 1.32 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.
- 1.33 The first business conducted at the Annual Meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council for a period of 12 months. It is then for the Council to decide upon the length of time for the appointment of future Mayors.
- 1.34 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 (or as above 1.34).
- 1.35 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.
- 1.36 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.
- 1.37 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.
- 1.38 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.

- 1.39 The Mayor of the Council may convene an Extraordinary Meeting of the Council at any time.
- 1.40 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 and hold declarations of acceptance of office.
 - To receive and record notices disclosing pecuniary register of 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, post at their residences, or by email, (providing the Councillor has given their express approval for opting for email summons, agendas and ancillary papers) a 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.
- Facilitate inspection of the minute book by local government electors.
- Receive and retain copies of byelaws made by other local authorities.
- Hold acceptance of office forms from Councillors.
- To receive and hold a copy of every Councillor's register of interests.
- 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.
- Liaise, as appropriate, with the Council's Data Protection Officer.
- Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 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);
- Arrange for legal deeds to be executed.
- The Town Clerk shall, as soon as it is received, notify the Council of every planning application notified to the Council.

4 ORDER OF BUSINESS FOR ANNUAL COUNCIL MEETING AND COUNCIL MEETINGS

(In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer previously authorised by the Council to take such declaration before the annual meeting commences.)

4.1 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 to existing Committees and Sub-Committees.
- Payment of any subscriptions falling to be paid annually.
- To inspect any deeds and trust instruments in the custody of the Council.

4.2 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 accuracy of the minutes of the last meeting.
- After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- Consider reports/minutes and recommendations made by Committees.
- Review of delegation arrangements to Committees, Sub-Committees, and staff.
- Review of terms of reference for Committees.
- Appointment of members to existing Committees/Sub-Committees.
- Review and adoption of Standing Orders and Financial Regulations.
- Review the eligibility to exercise the General Power of Competence.
- Review of representation on or work with external bodies and arrangements for reporting back.
- Confirmation of arrangements for Insurance cover in respect of all insurable risks.
- Review of Council Policies, procedures, and practices.
- To deal with business expressly required by statute to be done.
- 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.
- Determining the time and place of ordinary meetings of the Council up to and including the next Annual Meeting of the Council.
- Any other business specified in the summons.

4.3 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.

4.4 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman and Vice-Chairman 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.

4.5 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.

5 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

5.1 A written 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.

- 5.2 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 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 5.3 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.
- 5.4 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.
- 5.5 If the Proper Officer considers the wording of a motion received in accordance with standing order (6.1) is not clear in meaning, the motion shall be rejected in writing with an explanation of the reason for rejection until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- 5.6 If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 5.7 The decision of the Proper Officer as to whether to include the motion on the agenda shall be final.
- 5.8 Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- 5.9 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.
- 5.10 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.
- 5.11 Every resolution or recommendation shall be relevant to some question over which the Council has power, or which affects its area.

6 RESOLUTIONS MOVED WITHOUT NOTICE

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

- To appoint a Chairman of the meeting; (if the Chairman/Vice Chairman not in attendance)
- To correct an inaccuracy in the draft minutes of a meeting.
- To defer consideration of a motion.
- To move to a vote
- 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 Sub-Committee and their members.
- To exclude the press and public from a meeting of confidential or other information which is prejudicial to the public interest.
- 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 silence or eject from the meeting a Member named for misconduct.
- To invite a member having an interest in the subject matter under debate to remain.
- To give the consent of the Council where such consent is required by these Standing Orders.
- To suspend any Standing Order;
- To temporarily suspend the meeting.

7 DRAFT MINUTES

- 7.1 The draft minutes of a preceding Council meeting will be served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy.
- 7.2 There shall be no discussion about the draft minutes of a preceding Council 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 7.1.
- 7.3 The draft minutes of preceding Committee meetings will be printed and circulated to Councillors with the summons to attend the Full Council meeting. If the Council accept or approve the minutes of preceding Committee meetings, then at the next normal meeting of the said Committee the minutes shall be taken as read.
- 7.4 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 7.5 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on (date) in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings”.

- 7.6 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.
- 7.7 Subject to the publication of draft minutes 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 retained by the Council for a period of 6 months. Members requesting copies of recordings can request these once the minutes have been approved at Full Council.
- 7.8 Only recordings from public meetings shall be made available to Councillors and members of the public on request.
- 7.9 Within one week of the draft minutes being written and/or settled/approved by the Town Clerk the draft minutes must be published on the Council’s own website to provide maximum opportunity of viewing these prior to the Council meeting.
- 7.10 Members of the public should not be named in any Council minutes and should be referred to as “a member of the public” so the person speaking cannot be identified in the public domain.

8 QUESTIONS

- 8.1 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.
- 8.2 No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 8.3 Every question shall be put and answered without discussion. (if applicable)
- 8.4 A person to whom a question has been put may decline to answer.

9 RULES OF DEBATE AT MEETINGS

- 9.1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 9.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

- 9.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 9.4 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.
- 9.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 9.6 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.
- 9.7 An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 9.8 A councillor may move an amendment to his 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.
- 9.9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- 9.10 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 chairman of the meeting.
- 9.11 One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- 9.12 A councillor may not move more than one amendment to an original or substantive motion.
- 9.13 The mover of an amendment has no right of reply at the end of debate on it.
- 9.14 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.
- 9.15 Unless permitted by the chairman of the meeting, a Councillor may speak once in the debate on a motion except:
- to speak on an amendment moved by another Councillor;
 - to move or speak on another amendment if the motion has been amended since he last spoke;
 - to make a point of order;

- to give a personal explanation; or
- to exercise a right of reply.

9.16 During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

9.17 A point of order shall be decided by the chairman of the meeting and his decision shall be final.

9.18 When a motion is under debate, no other motion shall be moved except:

- to amend the motion;
- to proceed to the next business;
- to adjourn the debate;
- to put the motion to a vote;
- to ask a person to be no longer heard or to leave the meeting;
- to refer a motion to a committee or sub-committee for consideration;
- to exclude the public and press;
- to adjourn the meeting; or
- to suspend Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.

9.19 Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

9.20 Excluding motions moved under Standing Order 9.18, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

10 CLOSURE

10.1 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.

11 CODE OF CONDUCT AND DISPENSATIONS

- 11.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 A dispensation may be granted in accordance with standing order 11.5 above if having regard to all relevant circumstances the following applies:
- without the dispensation the number of persons prohibited from participating in the 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.

12 DISORDERLY CONDUCT

- 12.1 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.
- 12.2 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.

- 12.3 If a resolution made under standing order 12.2 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.

13 – ALTERATION OF DECISION

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

14 – RESCISSION OF PREVIOUS RESOLUTION

- 14.1 A resolution (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, given to the Proper Officer or by a resolution moved in pursuance of the report or recommendation of a committee or Sub-Committee.
- 14.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

15 – VOTING ON APPOINTMENTS

- 15.1 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. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

16- DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 16.1 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):
- Resolute to exclude the Press and Public to allow further discussions or
 - Refer the matter to the Appropriate Committee for consideration.
- 16.2 The Council should always have regard to statutory advice and good practice on such items.

17 – RESOLUTIONS ON EXPENDITURE

17.1 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.

18 – EXPENDITURE

18.1 Orders for the Payment of money shall be authorised by resolution of the Council and signed by either three members or two members and the Proper Officer (The Clerk of the Council)- In the event of no council meetings the Council to give delegated authority to the Town Clerk, along with two further signatories to authorise such payments in line with the Council's Scheme of Delegation.

19 – SEALING OF DOCUMENTS

19.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Any two Councillors may sign on behalf of the Council and witnessed by the Proper Officer.

20 – COMMITTEES AND SUB-COMMITTEES

20.1 The Council may at the Annual Meeting appoint standing committees that:

- Shall not appoint any Member of the Committee to hold office later than the next Annual Meeting and
- May subject to the provisions of Order 27 at any time dissolve or alter the membership of a committee.

20.2 Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.

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

20.4 Unless the Council determines otherwise, all the members of an advisory Committee and a Sub-Committee of the advisory committee may be non-councillors.

20.5 Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and 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.

- 20.6 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.
- 20.7 Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.
- 20.8 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.
- 20.9 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.
- 20.10 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.
- 20.11 The members of a Committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- 20.12 Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- 20.13 At the beginning of every Council, Committee or Sub-Committee meeting Councillors shall determine if the public may participate at a meeting of a Committee.
- 20.14 At the beginning of every Council, Committee or Sub-Committee meeting Councillors 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.
- 20.15 At the beginning of every Council, Committee or Sub-Committee meeting Councillors shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend; and
- 20.16 At the beginning of every Council, Committee or Sub-Committee meeting Councillors may dissolve a Committee or a Sub-Committee.

21 – VOTING IN COMMITTEES

- 21.1 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.
- 21.2 Chairman of Committees and Sub-Committees shall in the case of equality of votes have a second or casting vote.

22 - PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 22.1 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.
- 22.2 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.

23 – FINANCIAL CONTROLS AND PROCUREMENT

- 23.1 Full consideration must be given using the Councils Standing Orders for Tendering and Contractual Procedures.
- 23.2 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 23.8) including the setting of values for different procedures where a contract has an estimated value of £25,000 or less.
- 23.3 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.
- 23.4 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 23.8 below.

23.5 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 23.8 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.

23.6 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.

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

23.8 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 £189,330 or £4,733,252	Other detailed and complex requirements in the Public Contracts Regulations 2015. Or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU).

*n.b. Thresholds as at January 2021

23.9 A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

24 – ACCOUNTS AND FINANCIAL STATEMENT

24.1 Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.

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

24.3 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:

- the Council’s receipts and payments (or income and expenditure) for each quarter.
- the Council’s aggregate receipts and payments (or income and expenditure) for the year to date.

24.4 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.

24.5 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.

24.6 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.

24.7 The Town Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of Income & expenditure.

25 – ESTIMATES

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

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

26 – INTERESTS

26.1. 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:- (covered in Council's Code of Conduct).

- 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.

26.2 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.

26.3 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.

26.4 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 to do so 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 27 shall apply.

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

27 – CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

27.1 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.

27.2 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.

28 – INSPECTION OF DOCUMENTS - RESPONSIBILITIES TO PROVIDE INFORMATION AND INFORMATION MANAGEMENT

- 28.1 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.
- 28.2 All minutes by the Council and by any Committee shall be open for the inspection of any member of the Council.
- 28.3 In accordance with Freedom of Information Legislation, the Council shall publish information in accordance with its publication scheme and respond to request for information held by the Council.
- 28.4 The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements Regulations 2015).
- 28.5 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.
- 28.6 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).

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.

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

29- RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 29.1 The Council shall appoint a Data Protection Officer.
- 29.2 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 29.3 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 29.4 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.
- 29.5 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.
- 29.6 The Council shall maintain a written record of its processing activities

30 – UNAUTHORISED ACTIVITIES

- 30.1 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.

31 – ADMISSION OF THE PUBLIC AND PRESS TO MEETING

- 31.1 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.
- 31.2 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 person's advice or assistance is needed, they may be invited (by name) to remain after the exclusion resolution is passed)

- 31.3 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.
- 31.4 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.

32 - RECORDING/REPORTING OF COUNCIL MEETINGS

- 32.1 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.
- 32.2 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.
- 32.3 The Council will provide “reasonable facilities” to facilitate reporting.
- 32.4 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.
- 32.5 It is not permitted to provide a running verbal commentary.
- 32.6 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.
- 32.7 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.
- 32.8 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.

33 – CONFIDENTIAL BUSINESS

- 33.1 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.
- 33.2 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.

34 - COMMUNICATION WITH COUNTY COUNCILLORS

- 34.1 The Council will endeavour to communicate with the County Councillors representing Seaham.
- 34.2 An agenda item to be added to Full Council meetings for any updates from County Councillors who represent the Town on the Town Council.
- 34.3 Unless the Council otherwise orders, a copy of all Minutes of the Council shall be transmitted to each County Councillor representing Seaham.

35 – CODE OF CONDUCT ON COMPLAINTS

- 35.1 The Council shall deal with the complaints of maladministration allegedly committed by the Council or by any Officer or Member within the guidance in the Council's Complaints Policy and Procedure. Any complaint against a Member must be referred to and dealt with by the Monitoring Officer.
- 35.2 Upon notification by Durham 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 report this to the Full Council.

- 35.3 Where the notification in standing order 35.2 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 or independent professional 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 35.5 below].
- 35.4 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.
- 35.5 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.

36 – VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 36.1 All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 36.2 In order to allow a full and proper opportunity for Members to consider any proposal or 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.
- 36.3 At the conclusion of any debate as to the application of Standing Orders and voting thereon the ruling of the Chairperson shall be final.

37 - STANDING ORDERS TO BE GIVEN TO MEMBERS

- 37.1 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.
- 37.2 Standing Orders relating to Tendering and Contract Procedures – see following separate pages.

38 - RESPONSIBILITIES OF MAYOR

38.1 The appointment of Mayor is recognised as having the following important responsibilities:

- To chair all Council Meetings;
- To undertake an ambassadorial role in carrying out any civic, ceremonial and representational roles;
- If practicable to assist charitable and good causes in Seaham by holding fund raising activities during their year of office.

38.2 The Mayors role is to be seen as independent and non-political. The Mayor is therefore not permitted to undertake or be involved in any kind of executive role involving decisions on any business, service or other activity involving the work of the Council.