



Seaton Valley Council A Community Council

STANDING ORDERS

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STANDING ORDERS

Approved by Council on 30 March 2022
Review date – March 2024

1. MEETINGS

- (a) Ordinary Meetings of the Council shall be held (on a rotational basis) at a suitable venue in each of the five villages of Seaton Valley. In exceptional circumstances, and where the law allows, meetings can be held remotely on-line.
- (b) The Clerk will ensure that at least three clear days' notice of a meeting being held is given prior to any scheduled meeting of the Council taking place. Sundays, the day notice is given and public holidays are not regarded as counting days for this purpose.
- (c) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- (d) All Ordinary Council meetings will be preceded by a session for public questions lasting no longer than 30 minutes. Members of the public should attend particular meetings in person if they wish to ask a question. Questions submitted in writing by a member of the public not attending a particular meeting will be answered in writing by the Clerk on behalf of the Chair.
- (e) Questions from members of the public at other committee or sub committee meetings will be taken at the discretion of the Chair of the meeting.
- (f) Members of the public may speak on agenda items at Ordinary Council meetings at the discretion of the Chair of the meeting.
- (g) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (h) Members of the public shall remain seated when speaking unless requested to stand by the Chair of the meeting.
- (i) Any person speaking at a meeting shall address questions/comments to the Chair who will respond in the first instance, however, the Chair has discretion to ask other Councillors or officers to respond on their behalf or add to any response.
- (j) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- (k) Photographing, recording, broadcasting, videoing or transmitting the proceedings of a Council meeting by any means is permitted, however, anyone wishing to do so should comply with the Councils guidelines relating to the Audio/Video Recording of Meetings
- (l) Subject to 1(c) above, the press shall be provided reasonable facilities to allow them to take notes of all or part of a meeting at which they are entitled to be present.
- (m) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair.
- (n) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a

Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

- (o) Subject to 1(p) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- (p) The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not the Chair gave an original vote. (*See also standing orders 2 (h) and (i) below.*)
- (q) Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- (r) The minutes of a meeting shall record the names of councillors present and absent and include a reason for that absence.
- (s) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- (t) Where a Councillor declares an interest in an item, as required by the code of conduct adopted by the Council, the existence and nature of the disclosure shall be recorded in the minutes. (*See also standing order 7 below.*)
- (u) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- (v) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- (w) Every effort should be made to ensure that meetings last no longer than a period of 2 hours.

2. ORDINARY COUNCIL MEETINGS

- (a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- (b) In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct.
- (c) If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- (d) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- (e) The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.
- (f) Unless the Chair of the Council has resigned or becomes disqualified, they shall continue in office and preside at ordinary meetings of the Council until their successor is elected at the next annual meeting of the Council.
- (g) Unless the Vice-Chair of the Council resigns or becomes disqualified, they shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- (h) In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election

of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

- (i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.
- (j) Following the election of the Chair and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows:-
 - i. Record members present and apologies from members unable to be present
 - ii. In an election year, delivery by councillors of their declarations of acceptance of office
 - iii. Members' disclosure of interests in respect of relevant items of business on the agenda
 - iv. Confirmation of the accuracy of the minutes of the last annual meeting of the Council
 - v. Review of delegation arrangements to committees, sub-committees, employees and other local authorities
 - vi. Review of the terms of references for committees
 - vii. Receipt of nominations to existing committees
 - viii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them
 - ix. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities
 - x. Review of representation on or work with external bodies and arrangements for reporting back
 - xi. Appointment of the internal auditor
 - xii. In a year of elections, if the Council's period of eligibility to exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility
 - xiii. Review of the Council's and/or employees' memberships of other bodies

3. PROPER OFFICER

- (a) The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- (b) The Council's Proper Officer shall do the following:-
 - i. Sign and serve on councillors by delivery or post at their residences or electronically a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda at least 3 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)
 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it
 - iv. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office, in accordance with standing order [3(b)i] and [3(b)ii] above
 - v. Make available for inspection the signed minutes of Council meetings and display all of the Council's minutes on the Council's website, other than any minutes that refer to items discussed following a resolution to exclude the public under 1(c) above.
 - vi. Receive and retain copies of byelaws made by other local authorities
 - vii. Receive and retain declarations of acceptance of office from councillors
 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep

- copies of the same available for inspection
- ix. Keep proper records required before and after meetings
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same
 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
 - xii. Manage the organisation, store and ensure access to information held by the Council in paper and electronic form
 - xiii. Arrange for legal deeds to be signed by two councillors and witnessed (*See also standing orders 14(a) and (b).*)
 - xiv. Arrange for the prompt authorisation, approval, and payment of any invoices requiring to be settled by the Council in accordance with the Council's financial regulations
 - xv. Draw every planning application notified to the Council to the attention of the Planning Committee and submit any formal responses to the Planning Authority on behalf of the Council.
 - xvi. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect
 - xvii. Action or undertake activity or responsibilities instructed by Council resolutions or contained in standing orders

4. MOTIONS REQUIRING WRITTEN NOTICE

- (a) No motion, other than those relating to the matters set out in Standing Order 5 below, may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.
- (b) The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (c) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and unambiguous language at least 4 clear days before the meeting.
- (d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- (e) Having consulted the Chair or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- (f) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book/electronic file, which shall be open to inspection by all councillors.
- (g) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book/electronic file for that purpose, which shall be open to inspection by all councillors.
- (h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. MOTIONS NOT REQUIRING WRITTEN NOTICE

- (a) Motions in respect of the following matters may be moved without written notice:-
 - i. To appoint a person to preside at a meeting
 - ii. To approve the absences of councillors

- iii. To approve the accuracy of the minutes of the previous meeting
- iv. To correct an inaccuracy in the minutes of the previous meeting
- v. To dispose of business, if any, remaining from the last meeting
- vi. To alter the order of business on the agenda for reasons of urgency or expedience
- vii. To proceed to the next business on the agenda
- viii. To close or adjourn debate
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee
- x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto
- xi. To receive nominations to a committee or sub-committee
- xii. To dissolve a committee or sub-committee
- xiii. To note the minutes of a meeting of a committee or sub-committee
- xiv. To consider a report and/or recommendations made by a committee, a sub-committee, an employee, professional advisor, expert or consultant
- xv. To authorise legal deeds to be signed by two councillors and witnessed
(See standing orders 14(a) and (b) below.)
- xvi. To authorise the payment of monies
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it
- xviii. To set a time limit for speeches
- xix. To exclude the press and public for all or part of a meeting
- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct
- xxi. To give the consent of the Council if such consent is required by standing orders
- xxii. To suspend any standing order except those which are mandatory by law
- xxiii. To adjourn the meeting
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
- xxv. To answer questions from councillors

- (b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. RULES OF DEBATE

- (a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience.
- (b) Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- (c) Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- (d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.
- (e) A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- (f) Any amendment to a motion shall be either:-
 - i. to leave out words;
 - ii. to add words; or
 - iii. to leave out words and add other words.

- (g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- (h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- (i) Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- (j) Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- (k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- (l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (m) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 10 minutes.
- (n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- (o) Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- (p) During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- (q) A point of order shall be decided by the Chair and that decision shall be final.
- (r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- (s) Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except: -
 - i. to amend the motion
 - ii. to proceed to the next business
 - iii. to adjourn the debate
 - iv. to put the motion to a vote
 - v. to ask a person to be silent or for him to leave the meeting
 - vi. to refer a motion to a committee or sub-committee for consideration
 - vii. to exclude the public and press
 - viii. to adjourn the meeting
 - ix. to suspend any standing order, except those which are mandatory.
- (t) In respect of standing order 6(s)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7. CODE OF CONDUCT

- (a) All councillors shall observe the code of conduct adopted by the Council.
- (b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- (c) If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted. *Paragraph 12(2) was adopted by the Council at its meeting on 27th January 2010.*
- (d) Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

8. QUESTIONS

- (a) A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- (b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- (c) Every question shall be put and answered without discussion.
- (d) The Councillor raising the question will be allowed to ask one supplementary question relating to the substance of the answer given and any answer given will not be subject to further discussion.

9. MINUTES

- (a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- (b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- (c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- (d) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- (e) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10. DISORDERLY CONDUCT

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- (b) If, in the opinion of the Chair, there has been a breach of standing order 10(a) above, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he/she may adjourn the meeting.

11. RESCISSION OF PREVIOUS RESOLUTIONS

- (a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. VOTING ON APPOINTMENTS

- (a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

13. EXPENDITURE

- (a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- (b) The Council's financial regulations shall be reviewed bi annually.
- (c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- (d) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified to its correctness and urgency by the Clerk and signed by two of the agreed Councillor signatories.
- (e) All payments authorised under paragraph 13(d) above shall be drawn to the attention of the Council at its next full meeting.

14. EXECUTION & SEALING OF LEGAL DEEDS *See standing order 5(a)(xv)*

- (a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law. The Proper Officer shall witness their signatures.

15. COMMITTEES

- (a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:-
- i. shall determine their terms of reference
 - ii. may permit committees to determine the dates of their meetings
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting
 - iv. may in accordance with standing orders, dissolve a committee at any time.

16. SUB-COMMITTEES

- (a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17. EXTRAORDINARY MEETINGS

- (a) The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- (b) If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- (c) The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- (d) If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

18. ADVISORY COMMITTEES

- (a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- (b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19. ACCOUNTS & FINANCIAL STATEMENT

- (a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least bi annually.
- (b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's income and expenditure for each quarter and an estimate of the balances held by the Council at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20. ESTIMATES / PRECEPTS

- (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- (b) Any committee wishing to incur expenditure in the following financial year shall give the Proper Officer a written estimate of the proposed expenditure no later than 1st November.

21. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- (a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- (b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22. INSPECTION OF DOCUMENTS

- (a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23. UNAUTHORISED ACTIVITIES

- (a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:-
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24. CONFIDENTIAL BUSINESS

- (a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- (b) A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25. POWER OF WELL-BEING

- (a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- (b) The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- (c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

26. MATTERS AFFECTING COUNCIL EMPLOYEES

- (a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Finance & General Purposes committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- (b) The Chair and the Vice-Chair shall conduct an annual review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back to the Council and will be subject to their approval.
- (c) Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chair or in the Chair's absence, the Vice-Chair in respect of any informal or formal grievance that has been raised. The matter shall then be progressed in accordance with the Council's formal grievance procedure.
- (d) If an informal or formal grievance matter raised by an employee relates to the Chair or Vice-Chair, the matter will be dealt with in accordance with the Council's formal grievance and disciplinary procedures.
- (e) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- (f) The Clerk shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- (g) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- (h) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(f) and (g) above if so justified.
- (i) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(f) and (g) above shall be provided only to the Clerk and/or the Chair of the Council.

27. FREEDOM OF INFORMATION ACT 2000

- (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- (b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Finance & General Purposes committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3(b)(x) above.

28. RELATIONS WITH THE PRESS/MEDIA

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- (b) In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media that purport to be the view of the Council without first agreeing such statements with the Clerk of the Council.

29. LIAISON WITH COUNTY COUNCILLORS

- (a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the County Council representing any Seaton Valley Ward.
- (b) Where the Council sends a letter or an email to the County Council such correspondence will be copied to the County Councillor representing the electoral ward to which the query relates.

30. FINANCIAL MATTERS

- (a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:-
 - (i) the accounting records and systems of internal control
 - (ii) the assessment and management of financial risks faced by the Council
 - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually
 - (iv) the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments
 - (v) procurement policies (subject to standing order 30(b) below) including the requirement for differing tendering procedures for differing estimated contract values.
- (b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal open tender as summarised in standing order 30(c) below.
- (c) Any formal open tender process shall comprise the following steps:-
 - (g) a public notice of intention to place a contract to be placed in a local newspaper
 - (ii) a specification of the goods, materials, services and the execution of works shall be drawn up
 - (iii) tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time
 - (iv) tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and two members of the Council
 - (v) tenders are then to be assessed and reported to the appropriate meeting of Council.
- (d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

31. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- (a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a committee known as the Code of Conduct committee.
- (b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- (c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

- (d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chair of the Code of Conduct committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:-
 - (i) Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - (ii) Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - (iii) Ensure that the public and press are excluded from meetings as appropriate.
 - (iv) Ensure that the minutes of meetings preserve confidentiality.
 - (v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- (e) Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chair of the Code of Conduct committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- (f) The Code of Conduct committee shall have the power to:-
 - (i) seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter
 - (ii) seek and share information relevant to the complaint
 - (iii) grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- (g) References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
- (h) The Code of Conduct Committee shall be made up three Councillors, one of which shall be the Chair of the Council. If a complaint refers to the Chair of the Council, the Chair will be excluded from the Code of Conduct Committee and their place shall be taken by the Vice Chair of the Council.

32. VARIATION, REVOCATION & SUSPENSION OF STANDING ORDERS

- (a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- (b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

33. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- (a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of their declaration of acceptance of office.
- (b) The Chair's decision as to the application of standing orders at meetings shall be final.
- (c) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him/her being excluded from the meeting in accordance with standing orders.

34. DELEGATED POWERS TO THE CLERK

- (a) **Financial and Audit powers and authority**
 - (i) Power to make any day to day purchases for the Council to exercise its functions, duties and powers up to £1,000 per item.

- (ii) Power to authorise the use of all Council facilities and equipment in accordance with any charging schemes which may exist that time.
- (iii) To deal with all aspects of the Council's Insurance's and to negotiate and accept terms for the renewal as and when required.
- (iv) To negotiate and to recommend banking terms with the Authority's preferred Banker which for the time being is the Unity Trust Bank, Birmingham.
- (v) To make proper arrangements for the payment of all sums owing to the Council and for the receipt of all sums due to the Council.
- (vi) To institute recovery of debt procedures where circumstances warrant such actions.
- (vii) Power to seek and obtain any available grants and donations for the Council.
- (viii) Power to authorise any remedial works or maintenance works on Council Property.
- (ix) Responsibility for the investment of surplus funds
- (x) In respect of the Accounts and Audit Regulations, 1996: -
 - As the Responsible Financial Officer to determine the relevant accounting systems, the form of accounts and supporting accounts records - such accounts to be prepared in accordance with proper practices.
 - To maintain an adequate and effective system of internal audit of the accounts records and control systems.
 - To manage the Council's income and expenditure within the budgets set out in the Council's Annual Budget documents.
 - Authority to vire budget amounts up to a maximum of £2,000 between budget heads subject to reporting such changes back to the relevant Committee for information purposes.

(b) Staffing and personnel powers and authority

- (i) Power to apply the Council's disciplinary procedures.
- (ii) Power to appoint staff (full time, part time and temporary) in liaison with the Chair and Vice-Chair of Council.
- (iii) Power to authorise staff to use private cars and to pay casual user mileage allowance on essential duties.
- (iv) To implement nationally agreed increases re: salary/pay awards.
- (v) Power to authorise staff to attend relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.
- (vi) Authority to sanction and authorise payment of overtime so long as the costs can be contained within approved budgets.
- (vii) Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council, subject to the proviso that the Chair or Vice Chair be consulted and agree to that specific request, and a full report taken to the next relevant Council or committee meeting.

- (viii) Power to delegate any delegated powers and other powers to any member of staff as appropriate.

(c) Official notices

- (i) As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972.
- (ii) To sign and publish the annual public notices that the Audit of Accounts is to take place and has taken place.
- (iii) To receive members' declaration of acceptance re: their appointment as a Councillor.

(d) Contracts and Tenders

- (i) To let Contracts for works, supply of goods or services as required.
- (ii) To receive tender documents and to hold them in safe custody and to invite the relevant Members in to supervise and witness the opening of tenders exceeding £25,000 in value.

(e) General powers

- (i) Power to release press statements on any activities of the Council.
- (ii) Power to act on own initiative to implement the Council's policies and objectives.
- (iii) Power to take appropriate steps to ensure the Council does not exceed its powers.
- (iv) Power to manage all the Council's facilities and resources in accordance with the Council's policies.
- (v) In liaison and after conferring with the Chair, to make such Civic arrangements as are necessary.

(f) Allotments

- (i) Power to allocate allotments from the waiting list
- (ii) Power to issue warning letters
- (iii) Power to take appropriate action to remove tenants in breach of allotment tenancy agreement.
- (iv) Power to authorise inspections by agents of any of the allotment sites.
- (v) Power to authorise the undertaking of improvements on allotment sites within agreed budgets.

(g) Emergency business

- (i) Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council.