

South Woodham Ferrers Town Council

Standing Orders



From NALC Model 2013
Revised 20 February 2018

Standing orders typed in bold are mandatory and cannot be omitted

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Guidelines for Members
Advice for Members is provided contained within boxes outlined in red.

1. Rules of Debate

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman at the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- d. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- f. A Councillor may move an amendment to his/her 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.
- g. 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.
- h. Subject to standing order 1(j) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- i. 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.
- j. A Councillor may not move more than one amendment to an original or substantive motion.
- k. The mover of an amendment has no right of reply at the end of debate on it.
- l. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- m. Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;

- iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- n. 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/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- o. A point of order shall be decided by the Chairman of the meeting and his/her decision shall be final.
- p. When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a Committee or Sub-Committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- q. 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/her right of reply.
- r. Excluding motions moved under standing order 1(q) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.

2. Disorderly Conduct at Meetings

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

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

3. Meetings Generally

-  Council meetings
-  Committee meetings
-  Sub-committee meetings

-  a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
-  b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
-  c. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e. The period of time designated for public participation at a meeting in accordance with standing order 3(d) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- f. Subject to standing order 3(e) above, a member of the public shall not speak for more than 3 minutes.
- g. In accordance with standing order 3(d) above, 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.
- h. A person shall raise a hand when requesting to speak and may stand when speaking.
- i. A person who speaks at a meeting shall direct his/her comments to the Chairman of the meeting.
- j. 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.
-  k. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**

- t. **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 three.**

See Standing Order 4d(viii) for the quorum of a Committee or Sub-Committee meeting.

- u. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

- ■ ■ v. A meeting shall not exceed a period of 2 hours.

- w. Councillors shall be entitled to attend the meetings of any Committee, Sub Committee or Working Party of which they are not Members with the exception of the Staffing Committee

- x. Councillors shall be entitled to speak at the meetings of any Committee, Sub Committee or Working Party of which they are not Members with the exception of the Staffing Committee. Non-members shall not vote, propose or second a motion.

4. Committees and Sub-Committees

Guidelines for submitting agenda items

a) The item must contain full details of the matter to be considered – not just a subject heading.

b) The item must be relevant to the business of the Committee or Sub-Committee, having regard to the terms of reference. Advice as to the interpretation of the terms of reference should be sought from the Town Clerk.

c) It will not normally be possible to submit specific items for the Council agenda unless the Town Mayor agrees that the subject matter justifies an exception being made.

- a. **Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.**
- b. **The members of a Committee may include Non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory Committee and a Sub-Committee of the advisory Committee may be Non-Councillors.**
- d. The Council may appoint Standing Committees or other Committees as may be necessary, and:
 - i. shall determine their terms of reference;

- ii. shall determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next annual meeting of Council;
- iii. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a Committee;
- v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a Committee if the ordinary members of the Committee confirm to the Town Clerk 1 day before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a Standing Committee, appoint the Chairman of the Standing Committee;
- vii. shall permit a Committee to appoint its own Chairman at the first meeting of the Committee. To be elected by members of that Standing Committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a Committee;
- x. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
- xi. shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend; and
- xii. may dissolve a Committee;
- xiii. The Town Mayor and Deputy Town Mayor of the Council will be the Chairman and Vice-Chairman of the Policy and Resources Committee and they shall not normally be Chairman or Vice-Chairman of any other Committee of the Council with the exception of the Staffing Committee;
- xiv. A Councillor shall not be Chairman or Vice Chairman of more than one of the Environment, Leisure or Planning Committees.

5. Ordinary Council meetings

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.** The Annual Meeting shall be held on the second Tuesday, following the fourth day after the ordinary day of elections to the Council.
- b. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.** The Annual Meeting shall be held on the second Tuesday in May.
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**

- e. **The first business conducted at the annual meeting of the Council shall be the election of the Town Mayor and Deputy Town Mayor of the Council.**
- f. **The Town Mayor, 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.**
- g. **The Deputy Town Mayor, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.**
- h. **In an election year, if the current Town Mayor has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Town Mayor has been elected.**
The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.
- i. **In an election year, if the current Town Mayor has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Town Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.**
- j. Following the election of the Town Mayor and Deputy Town Mayor of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
 - i. In an election year, delivery by the Town Mayor and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. **In a year which is not an election year, delivery by the Town Mayor of his/her acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a Committee;
 - iv. Consideration of the recommendations made by a Committee;
 - v. Review of delegation arrangements to Committees, Sub-Committees, staff and other local authorities;
 - vi. Review of the terms of reference for Committees;
 - vii. Appointment of members to existing Committees;
 - viii. Appointment of any new Committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;

- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
Within the Council Year:
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the Council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of Council.

6. Extraordinary meetings of the Council and Committees and Sub-Committees

- a. **The Town Mayor may convene an extraordinary meeting of the Council at any time.**
- b. **If the Town Mayor 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.**
- c. The Chairman of a Committee (or a Sub-Committee) may convene an extraordinary meeting of the Committee (or the Sub-Committee) at any time.
- d. If the Chairman of a Committee (or a Sub-Committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the Committee (or the Sub-Committee), those 2 members of the Committee (and the Sub-Committee) may convene an extraordinary meeting of a Committee (and a Sub-Committee).

7. Previous resolutions

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 Councillors to be given to the Town Clerk in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a Committee or a Sub-Committee.
- b. When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

9. Motions at a meeting that do not require written notice

- a. The following motions may be moved at a meeting without written notice to the Town Clerk;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular Committee or Sub-Committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a Committee or Sub-Committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a Councillor or a member of the public;
 - xiii. to exclude a Councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

10. Handling confidential or sensitive information

The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

11. Draft Minutes

- a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

12. Code of conduct and dispensations

Guidelines on declaring interests

It is the Councillor's responsibility, in the light of the advice and their knowledge of the extent of their interest, to decide whether an interest should be declared.

Guidelines on the use of e-mail

The Council recognises that the appropriate use of email promotes the efficient operation of Town Council business. To this end e-mail messages will be circulated to all Members of the Council

a) Email discussion of any subject that is proper to a duly convened meeting is in contravention of the Code of Conduct and should not take place. This does not preclude Council Officers, consulting one or more Members between meetings where a further decision from the appropriate meeting is not required or where the issue related to day to day administration.

b) In all cases Members and Officers should avoid circulating emails that could be interpreted as being irrelevant, frivolous, abusive or offensive.

c) The use of 'Reply All' to e-mails should only be used if the reply is meant for ALL those on the original distribution list keeping in mind confidentiality and the detrimental impression any inappropriate external communication can leave.

d) Members must not make public representation in the name of the Council unless authorised.

See also Standing Order 3(s) above.

- a. All Councillors and Non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. Unless he/she has been granted a dispensation, a Councillor or Non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted a dispensation, a Councillor or Non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Town Clerk** as soon as possible before the meeting.
- e. A decision as to whether to grant a dispensation shall be made by Chelmsford City Council.
- f. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought
- g. **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area or;**
 - iii. **it is otherwise appropriate to grant a dispensation.**

13. Code of Conduct complaints

- a. Upon notification by Chelmsford City 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 Town Clerk shall, subject to Standing Order 12, report this to the Council.
- b. Where the notification in Standing Order 13(a) relates to a complaint made by the Town Clerk, the Town Clerk shall notify the Town Mayor of this fact, and the Town Mayor shall nominate another staff member to assume the duties of the Town Clerk 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 13(d).
- c. The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d. **Upon notification by Chelmsford City 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/her. Such action excludes disqualification or suspension from office.**

14. Proper Officer

- a. The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
 - i. **at least three clear days before a meeting of the Council, a Committee and a Sub-Committee serve on Councillors a summons, by email, or post, confirming the time, place and the agenda** provided any such email contains the electronic signature and title of the Town Clerk.
See Standing Order 3(b) for the meaning of clear days for a meeting of Council or a Committee.
 - ii. **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);**
See Standing Order 3(b) for the meaning of clear days for a meeting of Council or a meeting of a Committee.

- iii. **convene a meeting of Council for the election of a new Town Mayor, occasioned by a casual vacancy in his/her office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
See also Standing Order 21.
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee following receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
- xv. manage access to information about the Council via the publication scheme;
and
- xvi. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
See also Standing Order 21.

15. Responsible Finance Officer

- a. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

16. Accounts and accounting statements

- a. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide England
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments for each quarter;
 - ii. the balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

17. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;

- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. procurement policies (subject to Standing Order 17(c)) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 17(d) below.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Town Clerk;
 - iv. tenders shall be opened by the Town Clerk in the presence of at least one Councillor from the appropriate Committee with the delegated responsibility after the deadline for submission of tenders has passed;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or Sub-Committee with delegated responsibility.
- e. Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender
- f. **Where the value of a contract is likely to exceed £138,893 (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**

18. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Policy and Resources Committee or the Staffing and Liaison Sub-Committee is subject to Standing Order 10 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee or, if he/she is not available, the Vice-Chairman of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee of absence occasioned by illness or other reason and that person shall report such absence to the Policy and Resources Committee or the Staffing and Liaison Sub-Committee at its next meeting.
- c. The Chairman of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee or in his/her absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the employee's job title.
The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Policy and Resources Committee or the Staffing and Liaison Sub-Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee or in his/her absence, the Vice-Chairman of the Policy and Resources Committee or the Policy and Resources Sub-Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee's job title relates to the Chairman or Vice-Chairman of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee, this shall be communicated to another member of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee, which shall be reported back and progressed by resolution of the Policy and Resources Committee or the Staffing and Liaison Sub-Committee.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

- h. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 18(f) and (g) if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 18(f) and (g) shall be provided only to the Town Clerk and/or the Town Mayor.

19. Requests for information

- a. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the relevant Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

20. Relations with the press/media

Guidelines on the use of social media for dealing with the media for Council business

The Council recognises that appropriate use of the media promotes the efficient operation of Town Council business.

Members may be approached by the media (printed publications, radio, TC etc.) or may wish to comment through them. Members dealing with the media or using their own social media accounts must remember that they are legally responsible for the content of any messages or comments and that the requirements and principles associated with the adopted Code of Conduct shall remain in force.

a) Members must not make public representation in the name of the Council unless authorised.

b) Members have the right to express personal opinions on local issues using the media but they must make it clear that such comments do not necessarily reflect the views or policies of the Council or its Committees. Members should be mindful to ensure that they do not bring the Council into disrepute.

c) Be aware that, in practice, any remarks made in the media by Members may be taken as an official statement of the Council.

d) If a Member is unaware of Council policy on any matter they should seek the advice of the Town Clerk, Town Mayor or Chairman of the Committee before commenting.

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

21. Execution and sealing of legal deeds

See also Standing Orders 14(b)(xi) and (xvi)

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to Standing Order 21(a), any two Councillors may sign, on behalf of the Council, any deed required by law and Town Clerk shall witness their signatures.**

The above is applicable to a Council without a common seal.

22. Communicating with City and County Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor(s) of Chelmsford City Council and Essex County Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to Chelmsford City Council and Essex County Council shall be sent to the Ward Councillor(s) representing the area of the Council.

23. Restrictions on Councillor activities

- a. Unless authorised by a resolution, no Councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24. Standing orders generally

- a. All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 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.

- c. The Town Clerk shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he/she has delivered his acceptance of office form.
- d. The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.