



OAKHAM TOWN COUNCIL

STANDING ORDERS

**Amended by the Council
August 2017**

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1 Meetings

Mandatory for full Council Meetings ●

Mandatory for Committee Meetings ●

Mandatory for 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 **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**

- 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 Subject to Standing Order 1(c) above, members of the public are permitted to make representations in respect of any item of business included in the agenda.

- e The period of time which is designated for public participation in accordance with Standing Order 1(d) above shall not exceed 15 minutes unless directed by the Chairman.

- f Subject to Standing Order 1(e) above, each member of the public is entitled to speak in respect of business itemised on the agenda and shall not speak for more than 3 minutes unless directed by the Chairman. A member of the public who made an original deputation may be allowed to make further comments, but only at the specific invitation of the Chairman, during the discussion on the item on which the original deputation was made
- g In accordance with Standing Order 1(d) above, a question asked by a member of the public during their deputation at a meeting shall not require a response or debate.
- h In accordance with Standing Order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a councillor or an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j An officer, councillor or advisor to the Council shall raise his hand when requesting to speak and stand when speaking. The Chairman (or person acting in that capacity) may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m **Photographing, recording, broadcasting or transmitting of the proceedings of an open Council, Committee or Sub-committee is permitted.** Details are contained in the Council's Protocol on the Recording of Meetings

- n** In accordance with Standing Order 1(c) above, 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.
- o** Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- p** The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- q** Subject to Standing Order 1 (y) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.
- r** The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also Standing Orders 2 (h) and (i) below.)
- s** 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 his vote for or against that question. At the request of a councillor, supported by a majority vote of councillors present, a signed ballot may be taken on any motion to show whether each councillor present and voting gave his vote for or against that motion. Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
 - i. The time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. Interests that have been declared by councillors;
 - iv. Whether a councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. If there was a public participation session; and
 - vi. The resolutions made and actions required

u If prior to a meeting, a councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

v **The Code of Conduct adopted by the Council shall apply to all councillors in respect of the entire meeting.**

w **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting, shall be recorded in the minutes.** (See also Standing Orders 7 and 8 below.)

x **A councillor with voting rights who has a disclosable pecuniary interest or another interest in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Council’s Code of Conduct on his right to participate and vote on the matter.**

y **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.**

- z **If a meeting is, or becomes, inquorate no business shall be transacted** and the meeting will be adjourned. Any outstanding business of a meeting so adjourned shall be transacted when the meeting becomes quorate or at a following meeting.

- aa A meeting of the Council or any of its committees shall not usually exceed two hours. It may however be extended, initially by up to a further 30 minutes, by resolution to allow business to be concluded. A further extension shall only be permitted in exceptional circumstances as directed by the Chairman and shall require a resolution to that effect.

2 Ordinary Council Meetings

See also Standing Order 1 above

- 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 a 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 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 election of the Chairman who will also be Town Mayor and the Vice-Chairman of the Council who will also be the Deputy Town Mayor shall be the first business completed at the Annual Meeting of the Council.**
- f. The Chairman of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.**
- g. The Vice-Chairman of the Council, if any, unless he 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.**
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman 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 Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- j. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the Annual Meeting of the Council, the order of business shall be as follows:
 - i. **In an election year, delivery by the Chairman of the Council, Vice Chairman of the Council and councilors 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 Chairman of the Council and the Vice Chairman of the Council of their acceptance of office forms 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 and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Receipt of nominations to existing committees
 - iv. 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.
 - v. Review of representation on, or work with, external bodies and arrangements for reporting back.
 - vi. In an election year, to make the necessary resolution to allow the Council, if eligible, to exercise the General Power of Competence in the future.
 - vii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

- (a) The Council's Proper Officer shall be either the Clerk, the Assistant Clerk in the absence of the Clerk or such other person as may be appointed by the Council to undertake the work of the Proper Officer from time to time. The Proper Officer, or the person appointed to act as such during the Proper Officer's absence, shall fulfil the duties assigned to the Proper Officer in Standing Orders. The spending authority is detailed in Financial Regulations.
- (b) The Council's Proper Officer shall:
- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council, committee or 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 5 days before the meeting confirming his withdrawal of it.
 - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order 3 (b) i above.**
 - v. Make available for inspection the minutes of meetings by local government electors.
 - 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. Respond 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.
- 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, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal documents to be sealed using the Council's Common Seal (See also Standing Orders 14(a) and (b))
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xvi. Retain custody of the Seal of the Council which shall not be used without a resolution to that effect.
- xvii. Manage access to information about the Council via the publication scheme.
- xviii. Refer a planning application received by the Council to the Chairman of the Planning Committee or in his absence the Vice Chairman of the Committee within two working days of receipt to facilitate an extraordinary meeting of the Committee if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xix. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders

4 Motions requiring written notice

- a. In accordance with Standing Order 3 (b) (iii) and subject to the exceptions in 5(a), no motion 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 meeting. Clear days do not include the day of the notice or the day of the 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 certain language at least 7 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 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 or rejected in the agenda.
- e. Having consulted the Chairman 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, which shall be open to inspection by all councillors.
- g. 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.
- h. No motion will be debated or considered unless it has first been fully proposed and seconded.

(For the avoidance of doubt, where the Councils Proper Officer provides the Council with a recommended motion, this will normally feature under the agenda item "Clerks report". An information document will usually be included with the agenda papers).

5 Motions not requiring written notice

- a. Motions in respect of the following matters may be moved without written notice to the Proper Officer:
 - i. To appoint a person to preside at a meeting
 - ii. To move to a vote
 - iii. To approve the absences of councillors
 - iv. To approve the accuracy of the minutes of the previous meeting
 - v. To correct an inaccuracy in the minutes of the previous meeting
 - vi. To dispose of business, if any, remaining from the last meeting
 - vii. To alter the order of business on the agenda for reasons of urgency or expedience
 - viii. To proceed to the next business on the agenda
 - ix. To close or adjourn debate
 - x. To require a written report
 - xi. To refer by formal delegation a matter to a committee or to a sub-committee or an employee
 - xii. To appoint a committee or sub-committee or any councillors (including substitutes) thereto
 - xiii. To receive nominations to a committee or sub-committee
 - xiv. To dissolve a committee or sub-committee
 - xv. To note the minutes of a meeting of a committee or sub-committee
 - xvi. To consider a report and/or recommendations made by a committee or a sub-committee or an employee
 - xvii. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant
 - xviii. To authorise legal documents to be sealed by the Council's Common Seal or as resolved by the Council
(See Standing Orders 14 (a) and (b) below)
 - xix. To authorise the payment of monies up to £1,000
 - xx. To amend a motion relevant to the original or substantive motion under consideration and which shall not have the effect of nullifying it
 - xxi. To extend the time limit for speeches
 - xxii. To exclude the press and public for all or part of a meeting

- xxiii. To silence or exclude from the meeting a councillor or a member of the public whose conduct is considered in the view of the Chairman to be disorderly conduct and/or to disrupt the meeting
 - xxiv. To give the consent of the Council if such consent is required by Standing Orders
 - xxv. To suspend any Standing Order except those which are mandatory by law
 - xxvi. To adjourn the meeting
 - xxvii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
 - xxviii. To answer questions from councillors on points relevant to the business or working of the Council but not issues regarding the alleged behaviour of a councillor or group of councillors, employee or group of employees
 - xxix. To extend the duration of a meeting in accordance with Standing Order 1 (aa) (iv)
- 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 Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of Debate

- a. Items included in the agenda shall normally be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction or by the passing of a resolution by the councilors present.
- b. Each item shall be introduced by the Chairman who may, if he considers it appropriate, call upon another person present to clarify the item to be debated.
- c. Where this is a planning application ward councillors may be invited to speak first.

- d. If a councillor has requested an item on the agenda they shall be invited to speak first.
- e. The Chairman shall allow all councillors the opportunity to debate an item. He will not allow a proposal to be made and seconded until he is certain that all councillors have had opportunity to contribute to the debate. 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. Councillors will be allowed to speak once only during each item of business, except by invitation of the Chairman in order to clarify a point previously made.
- f. The Chairman shall call for a proposal to be made if he is of the opinion the debate is not moving further.
- g. All proposals must be seconded before a vote can take place.
- h. A councillor who makes a proposal may amend the wording of the proposal without vote or reference to others providing at that time it has not been seconded.
- i. Once a proposal has been seconded, the councillor who makes the proposal may only amend the wording of the proposal with the agreement of the seconder. If this permission has been granted the amended proposal shall be debated and voted on as in 6 (j) below.
- j. Once a proposal has been seconded, any councillor other than the original proposer may make a proposal to revise the wording of the original proposal if this is seconded it will be debated and voted upon. If the amended proposal falls then the original proposal will be debated and voted upon. If the amended proposal is passed then it will have the effect of replacing the original proposal providing that during the course of the debate of the amendment, a Councillor may propose a further amendment to the wording. Only one amendment shall be debated at a time the order of which shall be directed by the Chairman. No

further amendment to a proposal shall be moved until the previous amendment has been disposed of.

- k. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion which any further amendment may be moved.
- l. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- m. A councillor may raise a point of order at any time by raising his hand and being invited to speak by the Chairman. A councillor raising a point of order shall identify the standing order he considered has been breached or specify the irregularity which has caused the concern.
- n. The Chairman shall decide a point of order and his decision shall be final.
- o. 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 no longer heard or to leave the meeting
 - vi. To refer a motion to a committee or sub-committee for consideration
 - vii. To exclude the public and press
 - viii. To adjourn the meeting
 - ix. To suspend any Standing Order, except those which are mandatory
- p. In respect of Standing Order 6 (o) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is proposed, seconded and put to the vote.
- q. The Chairman shall remind the mover of the motion under debate to exercise or waive his 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.

- r. Where a resolution or decision has been made by the Council and is recorded in the approved minutes, it will not be reviewed or rescinded for a period of at least six months, without the prior agreement of the Council meeting.
- s. Councillors wishing to raise questions upon Council business, may continue to do so by giving sufficient advance notice of the question before this meeting. Where research is required, in order to provide a full and accurate response the question will be noted for response at the next following Council meeting.

7 Code of Conduct and Dispensations

- a All Councillors shall observe the Code of Conduct adopted by the Council.
- b All councillors shall undertake training in the Code of Conduct at the earliest opportunity.
- c Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considered a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- d Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- e **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.**
- f A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- g **A dispensation request shall confirm:**
 - i. **the dispensation 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 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.**
- h Subject to Standing Orders 7 (d) and (f) above, dispensation requests shall be considered by the Proper Officer before the meeting or if this is not possible, at the start of the meeting for which the dispensation is required.
- i **A dispensation may be granted in accordance with Standing Order 7 (e) above if having regard to all relevant circumstances the following applies;**
- v. 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;**
 - vi. Granting the dispensation is in the interests of persons living in the Council's area or;**
 - vii. It is otherwise appropriate to grant a dispensation.**

8 Code of Conduct complaints

- a. Upon notification by the Monitoring Officer at Rutland County Council that it is dealing with a complaint that a councillor has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 24, report this to the Council.
- b. Where the notification in Standing Order 8(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in

accordance with standing order 8(d) below.

- 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 a person or body with statutory responsibility for investigation of the matter.

- d. **Upon notification by the Monitoring Officer at Rutland County Council that a councillor 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.**

9 Questions

- a. A councillor may seek an answer to one question per meeting concerning any public business of the Council provided 3 clear days' notice of the question in writing has been given to the Clerk

- 1. b. A person to whom a question has been put may decline to answer the question.

10 Minutes

- a. A first draft of the minutes of a previous meeting will be forwarded at the earliest opportunity for consideration by members. The final draft of the minutes shall be distributed with the summons to attend the scheduled meeting

- 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 Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- d. 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 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.

11 Disorderly Conduct

- 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. No person, whether a member of the Council or of the public, shall disregard the ruling of the Chairman or, in the view of the Chairman, wilfully obstruct the transaction of business at a meeting or behave offensively, irregularly or improperly or in such a manner as to bring the Council into disrepute.
- c. If, in the opinion of the Chairman or any councillor, there has been a breach of Standing Order 11 (a) above, the Chairman or the Councillor shall express that opinion and the Chairman shall request the offender to desist, advising that further breaches of the Standing Order will result in exclusion from the meeting. Where the Chairman’s request has been disregarded a resolution shall be moved by the Chairman or a councillor, and if seconded, put forthwith without discussion, requiring the offender to withdraw from the meeting.
- d. If a resolution made in accordance with Standing Order 11 (c) above is disobeyed the Chairman will adjourn the meeting and may reconvene it at an appropriate venue.

12 Voting on Appointments

- . 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 Chairman's casting vote.

13 Expenditure (Financial Regulations)

- 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 once a year.**
- 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.**

14 Execution and Sealing of Legal Documents

See also Standing Order 5(a) (xvi) above

- a. A legal document 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, the Council's Common Seal shall alone be used for sealing a document required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.**

15 Committees, Sub & Working Groups

See also Standing Order 1 above

The Town Council may, at its Annual Meeting, appoint standing committees and sub-committees and may specify the extent of any delegated power/function (excluding annual precepts/budgets) to action items on the Town Councils behalf as may be considered necessary. The Town Council may also appoint, at any Council meeting, working groups with the specific role of considering the details of a Council activity or function, for the Town Councils consideration.

- 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. Non-councillors attend committee meetings in an advisory capacity are unable to vote.**
- c. **Unless the Council determines otherwise, all members of an advisory committee and a sub-committee of an advisory committee may be non-councillors**
- d. May permit committees and working groups to determine the dates of their meetings;
- e. May, in accordance with Standing Orders, dissolve a committee or working group at any time.
- f. Shall appoint and determine the term of office of councillor or non-councillor members of such committee or working group so as to hold office no later than the next Annual Meeting

- g. Unless the Council or the Committee has named the Chairman, every committee, sub-committee or working group shall, at its first meeting before proceeding with any other business, elect a chairman and may also elect a vice chairman
- h. A working group may co-opt others to help it progress business to a point where a report is brought to the Council or committee for a decision. A working group cannot make decisions that are binding on the Council.
- i. Working groups are informal bodies of the Council and the meetings are not advertised nor require an agenda to be published. Members of the Council or members of the public may only attend by invitation of the Chairman of the Working Group.

16 Extraordinary Meetings

See also Standing Order 1 above

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time and will specify the items of business to be considered
- b. If the Chairman 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 Chairman of a committee or a sub-committee may convene an extraordinary extraordinary meeting of the committee or sub-committee at any time.

17 Responsible Financial Officer

- a. **The Council shall appoint an appropriate person to undertake the work of the Responsible Financial Officer.**

- b. In the absence of the Responsible Finance Officer, the Council shall appoint the Assistant Clerk as the Responsible Finance Officer. The appointment may be reconsidered at any time by the Council during the absence of the Responsible Finance Officer
- c. The duties and responsibilities of the Responsible Finance Officer are contained in Financial Regulation paragraph

18 Accounts and 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 annually.
- b. The Responsible Financial Officer shall supply to each councillor as soon as practicable after each month end a monthly statement summarising the Council's receipts and payments for that month and the balances held at the end of each month. This statement should include a comparison with the budget for the financial year. 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.

19 Estimates/precepts

- a. **The Council shall approve written estimate for the coming financial year** at its meeting before the end of January. In this respect, the Town Councils Finance Committee/working group will prepare a draft estimate of its income and expenditure, for the following financial year, based upon a review of actual income and expenditure for the current year, and known or likely needs and costs for the forthcoming year. The draft estimates will then be presented to the January meeting of the Town Council for approval..
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later

20 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.

21 Restrictions on Councillor Activities

Only councillors who have the permission of the Council, a committee or sub-committee may undertake the following:

- a. Inspect any land and/or premises which the Council has a right or duty to inspect;
- b. Issue orders, instructions or directions on behalf of the Council
- c. Undertake work or repairs to Council property
- d. Produce any communication either verbal, written or electronic that purports to represent the views and opinions of the Council

22 Handling Confidential or Sensitive Information

- a. The Clerk in consultation with the Chairman of the Council or Chairman of a committee is permitted to decide which items on an agenda contain confidential or sensitive information, the disclosure of which the Council deems would not

be in the public interest

- b. 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.
- c. Councillors and employees shall not disclose, or make public, information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- d. A councillor in breach of the provisions of Standing Orders 22 (a) and (c) above may, by Council resolution, be removed from a committee or a sub-committee by a resolution of the Council; may be the subject of a “no confidence vote” resolution; a reference to the Code of Conduct Monitoring Officer; and exclusion from meetings where confidential (or “exempt”) items are considered
- e. An employee in breach of the provisions of this paragraph may be subject to disciplinary action

23 General Power of Competence

- a. **Before exercising the General Power of Competence, as defined in the Localism Act 2011 Sections 1 – 8, a meeting of the Council shall have passed a resolution to confirm it has satisfied the prescribed criteria to qualify as an eligible parish council.**
- b. **The Council’s period of eligibility begins on the date that the resolution under Standing Order 23 (a) above was made and expires on the day before the Annual Meeting of the Council that takes place in a year of ordinary elections.**
- c. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council’s preceding period of**

eligibility referred to in Standing Order 23(b) above

24 Matters affecting Council Employees

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Staffing Committee is confidential and subject to Standing Order 22 above.
- b. All matters relating the Council's staff shall be conducted in accordance with the Council's policies and procedures applicable at the time.
- c. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or appropriate committee or the appropriate sub-committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1(c) above.
- d. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to staff performance, capabilities, grievance or disciplinary matters as confidential and secure.
- e. The Council shall keep all written records relating to employees secure and locked and electronic records shall be password protected and encrypted.
- f. Only persons with line management responsibilities shall have access to staff records referred to in standing order 24 (d) and (e) above, if so justified.

25 Requests for Information

- a. All 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, as amended
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The

Council 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) (ix) above.

26 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 handled in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. In accordance with the Council's policy in respect of 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, or may be misinterpreted as, the views of the Council.

27 Financial Matters

- a. **Any proposed contract for the supply of goods, materials, services and the execution of works shall be in accordance with the Financial Regulations**
- b. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time the Council must consider whether the Public Contracts Regulations 2015 as amended, and the Utilities Contracts Regulations 2006 as amended apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

28 Variation, revocation and suspension of Standing Orders

- a. Any or every part of the Standing Orders, except those that incorporate mandatory statutory requirements, may be suspended by resolution in order to consider an item on the agenda for a meeting.

- b. A motion to permanently add to, vary or revoke one or more of the Council's Standing Orders, at a Council meeting, except one that incorporates mandatory statutory requirements, shall only be carried if two-thirds of the councillors present (minimum of 6 councillors voting) at a meeting of the Council vote in favour.

29 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 his declaration of acceptance of office and after any (Council) agreed changes in these standing orders.
- b. The Chairman'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 being excluded from the meeting in accordance with Standing Orders.

30 Delegation of Functions

- a. The Council delegates, subject to any statutory provision, the following function to the Planning Committee:
 - The power to make any decisions on behalf of, and in the best interests of the Council on all items considered by the Committee subject to the condition that any expenditure incurred in any such decision does not exceed that stated in the agreed budget for the Committee.
- b. That the Council delegate's authority to the Planning Committee to consider all planning applications received by the Council and to make any comments or recommendations on those applications to the Local Planning Authority.

- c. That the Council delegates, subject to any statutory provision, the following functions to the Staffing Committee:
- (i) Once it becomes apparent that a member of the employed staff is absent from work and in the opinion of the Staffing Committee it appears the absence may continue and become long term, it is the responsibility of the Chairman of the Council to convene a meeting of the Staffing Committee.
 - (ii) To investigate the absence and for making arrangements to overcome the effects of the absence on the workings of the Council.
 - (iii) To obtain employment related advice, services and short term locum services to overcome the effects of the absence.
 - (iv) To spend up to £5,000, without reference to the Council, to overcome the initial problems surrounding the specific absence.
 - (v) To report to Council on any spending that it incurs and to obtain the permission of Council if it needs to exceed the £5,000 limit for the specific event and requires additional funding.
 - (vi) Regularly update Members of the Council on the situation by means of reports to Full Council
 - (vii) These delegated powers shall also apply to all staff related issues.

The delegated authority is to the Committee and not to individual members of the Committee.

The Assistant Clerk has delegated authority to act in place of the Clerk in his absence under paragraph 3a of Standing Orders. Delegated spending authority is in accordance with Financial Regulations.

31 Delegation of Emergency Powers

The Council authorises the Clerk or appointed deputy to act on behalf of, and to make a decision in the best interests of, the Council in an urgent situation. Any action taken by the Clerk under this Standing Order is to be notified immediately to councillors and to the appropriate committee or the Council as soon as practicable.

32 Casual Vacancies and Co-option of Councillors

Should a vacancy arise to become a Member of Oakham Town Council then the following procedure will be applied:

- a. Should an election be called then the statutory arrangements will be made.
- b. If an election is not called then the vacancy will be advertised for co-option if necessary, in the local press and members of the public invited to apply for the position. The Clerk will ensure that all applicants receive the same information regarding the role.
- c. Applicants who are not statutorily disqualified from becoming a Town Councillor will be invited for interview. A copy of their application will be distributed to all members.
- d. The interview of prospective candidates for co-option shall be undertaken by a minimum of four councillors appointed specifically for the task by the Council and the Town Clerk to verify Councillors qualifications and to record decisions.
- f. Following the interview process the decision on who to be co-opted will be taken at the next available Council Meeting. Voting will be in accordance with Standing Order 12 requiring an absolute majority in favour of one candidate.
- g. In accordance with Standing Order 20, all applicants who are invited for interview will be informed that they are not to seek to influence any member of the Council with regard to the vacancy. Should this occur then the councillor or councillors who have been approached are to notify the Chairman immediately.

The Chairman shall then instruct the Clerk to inform the candidate that they will not be considered for the vacancy.

- h. Applicants who have been interviewed for a position with the Council within 6 months of the present vacancy may be considered without having to be interviewed again

33 Communicating with County Councillors

An invitation to attend meetings of the Council or its committees shall be sent, together with the agenda, to the Councillors of Rutland County Council who represent wards in Oakham.

Oakham Town Councillors and Rutland County Councillors attending meetings of the Council, its committees or sub-committees, in their role as Oakham ward members, shall be given the opportunity to give a representation and views on agenda items being considered. The Chairman of the Council, committee or sub-committee may request further additional comments from the Councillor during the debate on the item should it be considered necessary

34 Social Media Policy

Social media refers to websites and online tools which allow People to interact with one another. These include, but are not limited to, Facebook, Twitter, LinkedIn, YouTube, Blogging and Yammer.

Oakham Town Council recognizes and accepts that both Employees and Councillors use Social Networking Sites as a useful way of interacting with Colleagues, Friends and the general public. While the Town Council seeks not to discourage accessing such sites, nonetheless the Town Council requires that certain standards of behaviour and conduct be observed which protects both the Councils legitimate activities and its reputation and its Employees interests

and reputation, from the dangers of inappropriate use. The following standing orders applies to both Councillors and Employees both inside and outside the working environment.

- Employees should not access social networking sites during office working hours unless it relates to their job role.
- Councillors and Employees should not post information on social networking sites which is **confidential** to the Town Councillors activities, its Associates, working contacts or Community Groups
- Councillors and Employees must not, **in any circumstances**, post entries which are intimidating to others, derogatory, defamatory, discriminatory or offensive in any way, or which could bring the Town Council, its Councillors or its Employees into disrepute. In such cases, either the Council disciplinary procedures will be applied (for Employees), or formal complaints under the Councillors Code of Conduct will be registered (for Councillors).
- Employees and Councillors should exercise caution in making reference to the Town Council, its Associates, and other Employees/Councillors, on social Networking sites.
- Intimidating, derogatory, defamatory, discriminatory or offensive comments about the Town Council, its Employees, its Councillors, associated organisations and Community Groups will **not** be tolerated. In such cases, either the Council disciplinary procedures will be applied (for Employees), or formal complaints under the Councillors Code of Conduct will be registered (for Councillors).
- Councillors and Employees must not divulge confidential information about, or belonging to the Town Council, its Employees, Associate Organisations, its Suppliers or Community Organisations, on Social networking sites

The above principles apply equally to information or comments posted by Councillors and Employees on personal computers, tablets, or “smart” phones, irrespective of whether the posts are made during working hours or in the Councillor’s/Employee’s own personal time.

35 e-mail Accounts

- a. All Council business electronic mail between the Clerk's office and Councillors will be made via Council provided e-mail addresses. An electronic copy of all correspondence to be maintained by Council.
- b. These e-mail addresses are only to be used for Council business. E-mails are open to scrutiny and possible FOI requests.
- c. E-mail will not be used to debate any Council business that should come before Council or Committee meetings for debate and resolution.
- d. Councillors may wish to continue to contact each other by private e-mail addresses however Council will not accept any responsibility for this traffic or the contents thereof.