

# FLEET TOWN COUNCIL

## Standing Orders

As at June 2019

### Index

1. Meetings of Full Council and Committees
2. Annual Council meetings
3. Extraordinary meetings
4. Preparation for Council Meetings
5. Motions requiring written notice
6. Motions not requiring written notice
7. Proper Officer
8. Rules of debate
9. Code of conduct (England)
10. Questions
11. Minutes
12. Disorderly conduct
13. Rescission of previous resolutions
14. Voting on appointments
15. Expenditure
16. Execution of legal deeds
17. Committees
18. Sub-committees
19. Working Groups
20. Accounts and Financial Statements
21. Estimates/Precepts
22. Canvassing of and recommendations by Councillors
23. Inspection of documents
24. Unauthorized activities
25. Confidential business
26. General Power of Competence (England)
27. Matters affecting Council employees
28. Responsibilities to provide information
29. Management of Information
30. Responsibilities under Data Protection Legislation
31. Freedom of Information Act 2000
32. Relation with Press/Media
33. Liaison with District/County Councillors
34. Financial Matters
35. Allegations of breaches of code of conduct
36. Variation, revocation and suspension of standing orders
37. Standing orders to be given to Councillors
38. Delegation of terms of reference to Planning Committee
39. Delegation of terms of reference to Policy Finance Committee
40. Delegation of terms of reference to RLA Committee
41. Delegation of Establishment Committee
42. Delegation to the Town Clerk
43. Delegation to the Harlington General Manager

# FLEET TOWN COUNCIL

## Standing Orders

### 1. Meetings of Full Council and Committees

- a **Meetings do take place in the Harlington which is licensed for the supply of alcohol as this is the most practical venue to hold Council meetings. Alcohol however is not served in the part of the building when the meeting is taking place.**
- 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, answer questions and give evidence in respect of any item of business included in the agenda. This will be subject to the paragraphs below and will ordinarily occur during the time set aside for public participation at the beginning of the meeting.
- e The period of time [which is at the Chairman's discretion] OR [which is designated for public participation in accordance with standing order 1(d) above] shall not exceed 15 minutes unless the Chairman wishes to use his discretion.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and must hand a written copy of the question to the Town Clerk immediately before the meeting at the latest. The length of the question must not exceed 65 words. The total time for public participation shall not exceed 15 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The question will be included in the minutes.
- h In accordance with standing order 1(g) above. Questions will be answered in one of the following ways:
  - When an answer can be given immediately, the answer will be included in the first draft of the minutes
  - When an answer requires research to be taken over a period of up to 4 weeks, the answer, as soon it is available, will be added to the draft minutes displayed on the Council website and will be included in the minutes adopted by the next following Council meeting
  - When an answer still cannot be answered by this Council meeting then an update will be included at item 3 on the next and every subsequent agenda, until an answer can be provided and will then be included in the next available set of minutes.
- i A summary record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j Any person speaking at a meeting shall address his comments to the Chairman.

- k 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.
- l A copy of the above Public Participation rules shall be placed in the public seating area at the Council meeting.
- m **Subject to standing order 1(n), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- n **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- o **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- p **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 (if any).**
- q **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.**
- r **Subject to model standing order 1 (t) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- s **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.)**
- t **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. Such a request shall be made before moving on to the next item of business on the agenda.**
- u **The minutes of a meeting shall record the names of councillors present and absent also the names of officers and visiting Councillors as well as the number of members of the public.**
- v **The code of conduct adopted by the Council shall apply to 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 order 9 below.)**
- x **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council / Committee are present and in no case shall the quorum of a meeting be less than 3.**
- y **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.**
- z Meetings shall not exceed a period of 3 hours.
- aa The Chairman’s decision as to the application of Standing Orders at meetings shall be final.
- bb 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 Order 12b.

## 2. Annual 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 and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes 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 General Meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by Councillors of their declarations of acceptance of office.
  - 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 and adoption of appropriate standing orders (including Review of delegation arrangements and terms of reference to committees, sub-committees, employees and other local authorities) and financial regulations.in line with the requirement at SO 33b
  - vi. Review of representation on or work with external bodies and arrangements for reporting

- back.
- vii. Review of inventory of land and assets including buildings and office equipment.
  - viii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - ix. Review of the Council's and/or employees' memberships of other bodies.
  - x. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3 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.**
- 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 meeting of the committee or 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 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.

### 4. Preparation for Council meetings

- a. Agenda items are not to be debated if there is no supporting report or it is circulated less than three days prior to the meeting.
- b. Chairman should ensure that only items for which briefing papers have been circulated prior to the meeting are on the agenda.
- c. No financial approvals shall be given unless all relevant financial information is circulated at least three days prior to the meeting.
- d. Chairmen are to assume that all briefing papers have been read
- e. Members are responsible for reading all background papers prior to the meeting.

### 5. Motions requiring written notice

- a **In accordance with standing order 7(b)(iii), below 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 next meeting.**
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 5(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 5(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 5 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 5(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 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 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.
- i All Submitted Motions must have a supporting report as per Standing Order 5a.

## 6. 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 an employee.
  - x. To appoint a committee, sub-committee or working group or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee sub-committee or working group
  - xii. To dissolve a committee, sub-committee or working group
  - xiii. To note the minutes of a meeting of a committee sub-committee or working group
  - xiv. To consider a report and/or recommendations made by a committee or a sub- committee or a Working Group or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds signed by two councillors and witnessed.  
*(See standing orders 16 (a) and (b) below.)*
  - xvii. To authorise the payment of monies up to £250.
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xix. To extend the time limit for speeches.
  - xx. To exclude the press and public for all or part of a meeting.
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. To suspend any standing order except those which are mandatory by law.**
  - xxiv. To adjourn the meeting.
  - xxv. To appoint representatives to outside bodies and to make arrangements for those

representatives to report back the activities of outside bodies.

xxvi. To answer questions from councillors.

xxvii. To give dispensations to Councillors where appropriate (see 9)

- 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.

## 7. Proper Officer

- a The Council's Proper Officer shall be The Town Clerk. The Deputy Town Clerk or other person duly authorised to so act during the Proper Officer's absence is appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the Deputy Town Clerk or other duly authorised person 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. Give notice to councillors confirming the time, date, venue and the agenda for a meeting by electronic delivery at least 3 clear days before a meeting provided any such email contains the electronic signature and title of the Proper Officer.
  - 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 5a)–(e) above, 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 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 7(b)i] and 7(b)ii] above.**
  - v. Make available for inspection the minutes of meetings.
  - 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 legislation, 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, storage of and access to information held by the Council in paper and electronic form.
  - xiii. 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.
  - xiv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## 8. 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 Chairman's direction for reasons of expedience.

- b Subject to standing orders 5(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 7(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 Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his 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;
  - 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 Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 5(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 5(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 Chairman.
- 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 3 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 8 (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 Chairman and his 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 8(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 8 (s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before being put to the vote. The Chairman shall call upon 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.

## 9. Code of conduct (England)

*See also standing orders 1(v)–(w) above*

All Councillors shall observe the code of conduct adopted by the Council.

- a All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- b It is a criminal offence for a member to participate and vote at a meeting on a matter which he / she is deemed to have a disclosable pecuniary interest. If a member is unsure as to whether they hold a disclosable pecuniary interest in a matter they should first seek advice from the clerk well in advance of the meeting. If they feel they have a disclosable pecuniary interest then the Council will have to approve a dispensation prior to participating in the item at the meeting. Details of the dispensation will be recorded in the minutes.
- c Where a member has a disclosable pecuniary interest in a matter he / she will leave the room whilst the matter is being discussed unless they have been given a dispensation as per 9(b).

## 10. Questions

- a A Councillor may seek an answer to a question concerning any business of the Council provided 5 clear days notice of the question has been given to the Proper Officer.
- b Every question shall be put and answered without discussion.

## 11. 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 6(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 [ Full Council OR [ ] Committee] held on [date] in respect of [item] were a correct record but his view was not upheld by the majority of the [Full Council OR [ ] Committee] 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.

## 12. 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 Chairman, there has been a breach of standing order 12(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) 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 12(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 13. 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 two-thirds of the members of the Council, or committee 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 13(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 14. 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 Chairman's casting vote.

## 15. 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 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.**

## 16. Execution of legal deeds

*See also standing order 6(a)(xvi) above*

- 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 16(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 17. Committees

*See also standing order 1 above*

- 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 it is a committee which regulates and controls the finances of the Council);
- iv. may in accordance with standing orders, dissolve a committee at any time.

## 18. Sub Committees

*See also standing order 1 above*

- 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.

## 19. Working Groups

*See also standing order 1 above*

- a The Council or committees may appoint Working Groups comprised of a number of Councillors and non-councillors.
- b Working Groups and any sub-Working Group may consist wholly of persons who are non-councillors.
- c Officers will not generally be required to attend Working Groups unless deemed necessary.
- d Working Groups only have power to investigate and report, unless otherwise delegated.

## 20. 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 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held 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 (receipts and payments, or 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.

## 21. 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 desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the 30<sup>th</sup> September.

## 22. 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.

## 23. 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 his 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.

## 24. 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.

## 25. Confidential business

- a Councillors and employees 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 25(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## 26. General power of competence

- a **The General Power of Competence (GPC) allows eligible local Councils “the power to do anything that individuals generally may do” as long as they don’t break other laws. This is the power of “first resort”.**

### **Eligibility criteria**

**Two thirds of the Council must be elected (even if the election was not contested) For Fleet Town Council this is 12 members.**

**The Clerk must hold the CiLCA qualification, including the GPC qualification.**

- b **The Council is then required to revisit that decision and make a new resolution at every ‘relevant’ annual meeting of the Council to confirm that it still meets the criteria (if it does). (i.e. a ‘relevant’ annual meeting is the annual meeting of the Council after the ordinary election that normally take place every four years.)**

## 27. 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 establishment committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting if the absence is for more than 5 days.

- c The Chairman of the Council and the Chairman of Establishment Committee shall in accordance with the Councils Appraisals system conduct a review of the performance and/or appraisal of The Town Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by Policy and Finance 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 or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Establishment committee
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by The Town Clerk relates to the Chairman or Vice-Chairman of the Finance and Policy committee, this shall be communicated to another member of the Finance and Policy committee, which shall be reported back and progressed by resolution of the council.
- f 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.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h 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.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 27(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 27(g) and (h) above shall be provided only to The Town Clerk and/or the Chairman of the Council OR the Chairman of the Finance and Policy committee.

## 28. Responsibilities to provide information

*See also standing order 29*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

*[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## 29. Management of Information

*See also standing order 30*

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **30. Responsibilities under data protection legislation**

(Below is not an exclusive list).  
*See also standing order 29.*

- a **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- b **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- d **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- e **The Council shall maintain a written record of its processing activities.**

## **31. 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 chairman of the Finance and Policy 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 7(b)(x) above.

## **32. 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.

## **33. Liaison with District and County Councillors**

- a An invitation to attend a meeting of the Council shall be sent electronically, together with the agenda, to the Councillors of the District or County Council representing its electoral wards.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County Council

shall be sent electronically to the District or County Councillor representing its electoral ward.

- c District and County Councillors may participate in Council meetings at the discretion of the Chairman.

## 34. 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 34(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- 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. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer or Deputy Town Clerk or other duly appointed person in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in**

## 35. Allegations of breaches of the code of conduct

All allegations of breaches of the Code of Conduct will be forwarded to the Monitoring Officer to investigate and deal with the complaint.

## 36. Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are **mandatory by law**, which are highlighted in bold, may be suspended by resolution of at least two-thirds of the councillors at a meeting 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.

## 37. 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.

## 38. Delegation and terms of reference to the Planning Committee

- a. To consider and respond to all applications for planning permission and planning appeals referred to Town Council by Local Planning Authorities
- b. To consider all matters relating to Listed Building Consents, Buildings of Special Architectural Interest, Historic Buildings and the Conservation Areas;
- c. To identify, comment upon, and refer to the relevant authorities any matters considered to be in breach of planning permission;
- d. To consider and comment on all planning matters relating to the Town of Fleet and advise the District and Town Council as necessary;
- e. To comment upon and monitor Tree Applications, Tree Preservation Orders and to seek approval for further TPOs if deemed necessary;
- f. To commit to engage with residents and developers for pre-application consultation.
- g. To actively promote the needs of the Town for s106 contributions
- h. To consider and comment on all planning policy matters relating to the town of Fleet and provide recommendations for report to the Town Council.
- i. To respond to all relevant consultation documents relating to planning policy and associated matters.
- j. Facilitate the development of a Neighbourhood Plan for approval by the whole council and review at least every five years.

## **39. Delegation and terms of reference to Policy and Finance Committee**

- a. To regulate, manage and control the finance and resources of the Town Council, including the recommendation to Town Council of the annual budgets and precept within the Council's Financial Regulations;
- b. To review the expenditure on capital schemes and all budgets set by the Council;
- c. To provide guidance to Committees and Council on overall levels of income and expenditure, and the financial implication of its policies;
- d. To ensure that an adequate and effective system of internal control is in place to secure the integrity of finances and any other information;
- e. To ensure the preservation of probity and good financial and other practices within the Council;
- f. To consider and take appropriate action on all reports arising from both internal and external auditors;
- g. On the recommendation of the Risk Working Group, to take steps to identify and update key risks facing the Council, and to recommend to council appropriate measures to avoid, reduce or control those risks or their consequences including the provision of insurance cover
- h. To review quarterly performance against budget and take any necessary action
- i. To consider and where appropriate, authorise any requests for supplementary expenditure from spending committees, providing it falls within the overall approved Council budget and excluding General Reserves which must be authorised by Council
- j. To manage the central administration budget.
- k. To agree grants to organisations making a contribution to the local community in accordance with Grants Policy
- l. To keep the Council's policies and procedures under review in accordance with the Councils Policy timetable and adopt all new policies as and when required.

## **40. Delegation and terms of reference to Recreation Leisure and Amenities Committee**

- a. Oversee the management and improvement of the Council's recreational facilities
- b. To oversee the management of Fleet Cemetery.
- c. Agree and monitor contracts for the maintenance of the Council's facilities
- d. Recommend fees for the use of the Council's facilities
- e. Oversee the maintenance of recreation grounds (Including children's play areas), recreational and amenity areas
- f. Review regular inspection of recreation ground equipment by an outside agency.
- g. To consult with interest groups and Fleet residents about matters within the committee's remit.
- h. To approve first time event applications.

## **41. Delegation to the Establishment Committee**

- a. To set the level of staff resources together with matters relating to terms and conditions of employment, and level of salary within budgetary limits and guidelines.

- b. To ensure the Council complies with all legislative requirements relating to the employment of staff.
  - i. To advertise, interview and negotiate acceptable terms and conditions and
  - ii. make recommendations to employ the Senor Officer positions including Town Clerk and Senior Line Managers. For the sake of clarity all other positions shall be appointed by The Town Clerk or the Harlington General Manager as appropriate in accordance with the staffing resources, terms and conditions and salary levels determined by the Policy and Finance Committee and within budgetary provision.
- c. All members of the Establishment Committee must be members of the Town Council. The maximum number of this committee shall be 8, including ex-officio members, so that there remains a pool of other councillors from whom 3 can be selected for any employment appeal hearing.
- d. To hear and resolve Grievance and Disciplinary hearing appeals.
- e. To agree annual bonuses in line with Council policy and contracts of employment
- f. to recommend annual pay reviews to be incorporated into annual budgets
- g. To develop policies related to the employment of staff

## **42. Delegation to The Town Clerk**

- a. To act as the Councils Proper Officer wherever referred to.
- b. Power to spend all Council Budgets, and to delegate these to appropriate staff, within the limitations of the Council's Financial Regulations.
- c. Responsibility to manage all those employees who undertake Town Council (as opposed to The Harlington) functions
- d. Responsibility for the day to day management of The Councils facilities, finances and assets, Health and Safety except for The Harlington and Ancells Farm Community Centre.
- e. To make appropriate Grant Applications to support the Councils Capital programme and service delivery.
- f. To appoint all employees who carry out the Town Council function save for Senior Line Managers
- g. To deal with all Freedom of information Act requests in accordance with Legislation and Council Policy.
- h. Grant permission for event applications in line with Council Policy where it is a repeat application or a minor event.
- i. Power to grant block dispensations as per item 9 Code of Conduct.

## **43. Delegation to The Harlington and Ancells Farm Community Centre General Manager**

- a. Responsibility to appoint and manage employees who carry out The Harlington and Ancells Farm Community Centre (as opposed to the Town Council) function
- b. Responsibility for the day to day management and Health and Safety of The Harlington and Ancells Farm Community Centre Facilities.