

LOCAL GOVERNMENT ACT 1972 – SCHEDULE 12 (42)



Whitby
Town Council

STANDING ORDERS

Whitby Town Council
Approved 2024

Standing Orders

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Standing Orders

1. Rules Of Debate At Meetings

- a Motions submitted or proposed on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting. Members should submit a written motion or amendment on the form provided to the Clerk seven clear days before the meeting for inclusion on the agenda and to the Chair/Clerk during the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion submitted to the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn, unless the seconder can take on the proposal with a new seconder.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.

- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak only once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

- t Excluding motions moved under Standing Order 1 (r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chair of the meeting.

2. Disorderly Conduct At Meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregards the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings Generally

- Full Council meetings
- Committee meetings
- Sub-committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **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.**
- e Subject to Standing Order 3(d) above, members of the public may make representations, answer questions and give evidence at a meeting of:
 - i) council at which they are entitled to attend. Public questions not on the agenda will be referred to the next appropriate committee meeting [See 3(h) below].

- ii) a committee at which they are entitled to attend in respect of the business on the agenda.

An agenda item will be allocated in the early part of a council meeting for members of the public to speak and ask questions.

This entitlement will not preclude the chair from adjourning the meeting at other times at their discretion so as to allow members of the public to make representations, answer questions or give evidence in relation to the business to be transacted at that meeting.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a subsequent written or oral response be given or referred to Council or Committee in the future.
- i Where possible, a member of the public should advise the Proper Officer in advance that they wish to speak. Booked speakers will have precedence over those giving no advance notice. The rules and procedures regarding public participation are to be available at every meeting where public speaking is to take place.
- j A person shall raise their hand when requesting to speak and stand when speaking except when a person has a disability or is likely to suffer discomfort. The chair of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- m A brief record of a public participation session at a meeting shall be included in the minutes of the meeting.
- ■ n **Subject to standing order 3(o), 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.

- o** A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- p** 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.
- q** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.
- r** The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- s** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting thereon.
- t** The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise a casting vote whether or not they gave an original vote.

See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.

- u** Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question or abstained from voting. Such a request shall be made before moving on to the next item of business on the agenda.
- v** The mode of voting on any question may be by paper ballot, provided that a motion to that effect has been proposed, seconded and agreed by a majority of the members present at the meeting. (A request by a Councillor for recorded vote under Standing Order 3(u) above shall take precedence over any agreed paper ballot).
- w** 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. council approval of reasons submitted by a councillor for their absence;
 - iv. interests that have been declared by councillors and non-councillors with voting rights;

- v. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- vi. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vii. if there was a public participation session;
- viii. the motions proposed; and
- ix. the resolutions made.

x A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.

y No business may be transacted at a meeting (of full council) unless at least one-third (7 Members) of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.

See standing order 4e(viii) below for the quorum of a committee or sub-committee meeting.

In the event the Clerk is informed that there will be insufficient numbers attending any meeting or committee meeting therefore rendering the meeting inquorate, the Clerk may cancel the meeting and make efforts to inform members of this action.

- z If a meeting is or becomes inquorate, the meeting shall be closed. The business on the agenda for the meeting shall be adjourned at a following meeting.
- aa No business shall be transacted after 9.00pm and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting
- bb Apologies must be submitted in writing to the Clerk or Deputy Clerk prior to the meeting.

4. Committees And Sub-Committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

- d In addition to any committee places allocated to them at the Annual Meeting, the Chair/Town Mayor and Vice Chair/Deputy Town Mayor shall be ex-officio, non-voting members of the Council's committees.
- e The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer (1 clear) day before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee.
- f A member who has proposed a motion, which has been referred to any committee of which they are not a member, may explain their resolution to the committee but shall not vote.
- g Any council member shall, unless the council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee. Non-committee members are treated as members of the public when attending Committee

meetings and only allowed to speak during public participation or at the Chair's discretion by suspending Standing Orders.

- h An advisory committee or working party may not incur any expenditure but may make recommendations to the council.
- l The Pannett Art Gallery and Whitby Museum Joint Management Committee shall be a standing committee of the council and shall comprise nine councillors and six members of the Whitby Literary and Philosophical Society. (In accordance with the High Court Judgement 1948).

5. Ordinary Council Meetings

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- 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 first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair (if any) of the Council.**
- f **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until a successor is elected at the next annual meeting of the council.**
- g **The Vice-Chair of the Council, if any, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

- j Following the election of the Chair of the Council (Town Mayor) and Vice-Chair (Deputy Town Mayor) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Apologies for (and approval of) absences;
 - iii. Requests for dispensations;
 - iv. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - v. Receipt of the minutes of the last meeting of a committee;
 - vi. Consideration of the recommendations made by a committee;
 - vii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - viii. Review of the terms of reference for committees and working parties;
 - ix. Appointment of members to existing committees and working parties;
 - x. Appointment of any new committees in accordance with standing order 4 above and any new working parties;
 - xi. Review and adoption of appropriate standing orders and financial regulations;
 - xii. Review of arrangements (including legal agreements) with other local authorities and review of contributions made to expenditure incurred by other local authorities, not-for-profit bodies and businesses;
 - xiii. Review of representation on or work with external bodies and arrangements for reporting back;
 - xiv. In an election year, to plan with a view to the council becoming eligible to exercise the general power of competence in the future;
 - xv. Review of inventory of land and assets including buildings and office equipment;
 - xvi. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xvii. Review of the council's and/or staff subscriptions to other bodies;
 - xviii. Review of the council's complaints procedure;
 - xix. Review of the council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation; (see also Standing Orders 11, 20 and 21)

- xx. Review of the council's policy for dealing with the press/media; and
- xxi. Review of the Council's employment policies and procedures.
- xxii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxiii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary Meetings Of The Council And Committees And Sub-Committees

See also Standing Order 1 above

- a **The Chair of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chair of a committee (sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.
- d If the chair of a committee (sub-committee) does not call an extraordinary meeting within 7 days of having been requested in writing to do so by two members of the committee (sub-committee), any two members of the committee (sub-committee) may convene an extraordinary meeting of a committee (sub-committee).

7. Previous Resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least ten councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting On Appointments

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the lowest number of votes shall be struck off the list and a fresh vote taken. This process shall continue until

a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

- b Where there are two or more vacancies to be filled, the name of the person having the lowest number of votes shall be struck off the list and a fresh vote taken until the number candidates equals the number of vacancies. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.
- c It may be determined by resolution, prior to any vote being taken on an appointment, that the appointment vote(s) shall be by ballot.

9. Motions For A Meeting That Require Written Notice To Be Given To The Proper Officer

- a A motion shall relate to the responsibilities of the meeting at which it is tabled and, in any event, shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer signed by two councillors, on the prescribed form (Appendix A) at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. A limit of three written motions may be made by each member to be included in the agenda for the next meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing to the Proper Officer at least 6 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer for the reason for rejection.

10. Motions At A Meeting That Do Not Require Written Notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote, call for a paper ballot, or a recorded vote¹;
 - iii. to defer consideration of a motion;
 - iv. to amend a motion (under SO1r(i), above);
 - v. to refer a motion to a particular committee, sub-committee or working party;
 - vi. to appoint a person to preside at a meeting;
 - vii. to change the order of business on the agenda;
 - viii. to proceed to the next business on the agenda;
 - ix. to require a written report;
 - x. to note, receive or approve the recommendations of a report appearing on the agenda;
 - xi. to appoint a committee or sub-committee and its members;
 - xii. to extend the time limits for speaking;
 - xiii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xiv. to not hear further from a councillor or a member of the public;
 - xv. to exclude a councillor or member of the public for disorderly conduct;
 - xvi. to temporarily suspend the meeting;
 - xvii. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xviii. to adjourn the meeting; or
 - xix. to close the meeting.
- b Any motion under ii, vii, viii, xii, xiv, xv, xvi, xvii, xviii, or xix, if seconded, shall be put to the vote without discussion.

11. Management Of Information

See also Standing Order 20

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data)**

¹ In the event that more than one form of vote is moved, the order of precedence is:
1 recorded, 2 ballot, 3 vote

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.**
- e Any information supplied on pink paper is to be kept strictly confidential and will be retrieved at the end of the meeting by the Clerk/Deputy Clerk. In addition, all papers and reports supplied to Councillors are not to be made available to any other Member or the public or press until the matter has been discussed by the Council and have therefore become public knowledge.
- f Councillors shall not disclose information given in confidence or which they believe, or ought to be aware of, is of a confidential nature.
- g A councillor in breach of the provisions of Standing Order 11 above may be removed from a committee or a sub-committee by a resolution of the Council.

12. Draft Minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, the chair shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chair of this meeting does not believe that the minutes of the meeting of Whitby Town Council held on (date) in respect of (Min No.) were a correct

record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20 (a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code Of Conduct And Dispensations

See also standing order 3(x) above.

- a All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had an interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest,' they do not have to disclose the nature of the interest. They may return to the meeting after it has considered the matter in which they had an interest.
- d **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.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.

- g Subject to standing orders 13(d) and (f) above, dispensations 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.
- h **A dispensation may be granted in accordance with standing order 13(e) above if, having regard to all relevant circumstances, any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**
- i. The Proper Officer or in their absence the Deputy Town Clerk to inform the council member within 12 hours of the meeting taking place whether their application for a dispensation has been granted or in the case of it not being the reasons why.

14. Code Of Conduct Complaints

- a Upon notification by the unitary council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's Code of Conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair 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 14(d) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the unitary council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee**
 - **Serve on councillors, by delivery or post at their residences, or by email authenticated in such manner as the Proper Officer thinks fit a signed summons confirming the time, place and the agenda (provided the councillors has consented to service by email), and**
 - **Provide in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them).**

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.

- ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least six clear days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with and subject to the council's relevant policies and procedures;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to security of and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g., the Limitation Act 1980).
- xi. arrange for legal deeds to be executed;

See also standing order 23 below.

- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with its financial regulations;
- xiii. record every planning application notified to the council and the council's response to the local planning authority for such purpose in electronic format and publish on the council's website;
- xiv. refer a planning application received by the council to the chair of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the committee;
- xv. manage access to information about the council via the publication scheme.

16. Responsible Financial Officer

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

17. Accounts And Accounting Statements

- a "Proper practices" in standing orders refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioners' Guide.'
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's income and expenditure for each quarter;
 - ii. the council's aggregate income and expenditure for the year to date;
 - iii. the balances held at the end of the quarter being reported.and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end on 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's income and expenditure for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.

- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the council (income and expenditure) for the year to 31 March. A completed draft Annual Governance and Accountability Return shall be presented to all councillors prior to anticipated approval by the council. The Annual Governance and Accountability Return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial Controls And Procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to exceptional 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 Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18f is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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 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 **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 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.** (NALC' s procurement guidance contains further details).

19. Handling Staff Matters

- a A matter personal to a member of staff that is being considered by a meeting of council or the Human Resources committee or any relevant sub-committee(s) is subject to standing order 11 above. If any question arises at a meeting of the Council to which the public (including the press) are admitted as to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such questions shall not be the subject of discussion until the public and press have been excluded by resolution, unless the Council otherwise resolves.
- b The Council's Human Resources Committee has delegated power under defined Terms of Reference to implement and review employment policies and procedures in accordance with current employment law regarding all matters affecting employees making recommendations to full council where required by the scheme of delegation.
- c Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Human Resources Committee or if they are not available the Vice Chair of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
- d The Chair of the Human Resources Committee or in their absence the vice-chair shall upon a resolution in accordance with the Council's policy conduct a review of the performance and annual appraisal of the Council's staff. The

reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.

- e Subject to the council's policy regarding the handling of grievance matters, the Council's most senior members of staff or other members of staff shall contact the chair of the human resources committee or in their absence the vice-chair in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Human Resources Committee.
- f Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chair or vice-chair of the Human Resources Committee this shall be communicated to another member of the Human Resources Committee, which shall be reported back and progressed by resolution of the Human Resources Committee.
- g Employee disciplinary matters will be dealt with according to the council's disciplinary policy.
- h Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- i The council shall keep all written records relating to employees secure. All paper records shall be secured and locked, and electronic records shall be password protected and encrypted.
- j In accordance with standing order 11a, persons with line management responsibilities shall have access to staff records referred to in standing orders 19(h) and (i) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(h) and (i) above shall be provided only to the Proper Officer and the Deputy Town Clerk.
- l 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.

20. Responsibilities To Provide Information

(see also standing order 21)

- 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 **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

- c Requests for information held by the council shall be managed in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- d Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Responsibilities Under Data Protection Legislation

(see also standing order 11)

- a. **The Council may appoint a Data Protection Officer**
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data**
- c. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **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.**
- e. **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.**
- f. **The Council shall maintain a written record of its processing activities.**

22. Relations With The Press/Media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be managed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media, without prior discussion with the Proper Officer.

23. Execution And Sealing Of Legal Deeds

See also standing orders 15(b)(xii) and (xvi) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 23(a) above, any two councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. Communicating With Unitary Councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the divisional councillor(s) of the unitary council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the unitary council shall be sent to the divisional councillor(s) representing the area of the council.

25. Restrictions On Councillor Activities

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

26. Standing Orders Generally

- a All or part of a standing order, except one that incorporates mandatory, statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered an acceptance of office form or upon the adoption of new or revised standing orders.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

Appendix A

Notice of Motion for the meeting of

**Committee/
Council:**

On (date):

Name of member submitting the motion*

Cllr

Name of member(s) seconding the motion*

Cllr

Notice of motion

- This form should be submitted to the Town Clerk **by email** no later than noon, seven clear days before the date of the meeting (Standing Order 9b).
- The member(s) seconding the motion **must also email** the Town Clerk to confirm support for the motion.
- A copy of the motion will be circulated to all members with the agenda.

*** Please note:**

Motions must be about matters for which the Council is responsible, or which affect the parish of Whitby.

If it appears to the Clerk that a Notice of Motion does not comply with this rule, is not in order, or is framed in improper or inappropriate language, the Clerk will consult the Town Mayor as to whether, and in what form, it shall be placed on the agenda. The decision of the Clerk, after discussion, if possible, with the giver of the notice, shall be final.

WTC - Constitution - Pt 1 - Standing Orders (Approved 2024).docx

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