



# **NAILSEA TOWN COUNCIL**

# **STANDING ORDERS**

# **2011**

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

<b>Index</b>	<b>SO No.</b>	<b>Page No.</b>
Accounts & Financial Statements	55	14
Admission of the Public & Press to Meetings	66-68	16
Alteration of Resolution	33	10
Canvassing of and recommendations by members	61-62	15
Chairman of the meeting	5	3
Closure	30	9
Code of Conduct Complaints	72	18
Committees, Sub-Committee and Working Parties	42-50	12 & 13
Communication with the Public and Press	79	19 & 20
Confidential business	69	16
Co-option of non-members	42(c)	12
Disorderly conduct	31	10
Employees (discussion of and resolutions affecting)	36	11
Estimates and precepts	56	14
Expenditure	37-38	11 & 12
Financial Matters	71	17 & 18
Inspection of Documents	63-64	15
Interests	57-60	14 & 15
Liaison with District Councillors	70	17
Meetings	1-3	3
Mobile Phones at meetings	77	19
Order of Business	13-17	5 & 6
Presence of non-members at committee meetings	53-54	14
Proper officer	6-7	3 & 4
Public participation at meetings	66[c]	16
Questions	25-26	7 & 8
Quorum	8-9 & 48	4 & 13
Rescission of previous resolutions	34	11
Resolutions moved on notice	18-23	6 & 7
Resolutions moved without notice	24	7
Right of reply	32	10
Rules of debate	27-29	8 & 9
Sealing of documents	39-41	12
Smoking at proceedings of the Council	76	19
Standing Orders to be given to members	75	19
Tenders for Contracts or Supply	78	19
Unauthorised activities	65	16
Variation, Revocation & Suspension of Standing Orders	73-74	18
Voting	10-12	4 & 5
Voting on appointments	35	11
Voting in Committees	51-52	13
Written Statements	80	20
History		20 & 21

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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Recommendations but NOT Standing Orders		21
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NB. <b>Bold type indicates a mandatory Standing Order</b>
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### PREAMBLE

Nailsea Town Council adopted the model code of conduct on 1 October 2007. All matters set out in these Standing Orders shall be construed accordingly.

### MEETINGS

1. Meetings of the Council shall be held at 7.30pm unless the Council decides otherwise at a previous meeting.
2. **The Statutory Annual Meeting shall be held**
  - a] **in an election year on or within 14 days following the day on which the councillors elected take office and**
  - b] **in a year which is not an election year on such day in May as the Council may direct.**
3. **Other meetings [at least three per annum] shall be held as determined by the Council.**
4. **Extraordinary meetings**
  - 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.**

### CHAIRMAN OF THE MEETING

5. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

### PROPER OFFICER

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk
  - a] To receive and retain declarations of acceptance of office.
  - b] To receive and record notices disclosing interests at meetings.
  - c] To receive and retain plans and documents.

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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- d] To sign notices or other documents on behalf of the Council.
- e] To receive and retain copies of byelaws made by the District Council.
- f] To certify copies of byelaws made by the Council.
- g] To sign and issue the summonses to attend meetings of the Council.
- h] To keep proper records for all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

7. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**

#### QUORUM

8. **Seven members shall constitute a quorum.**
9. If a quorum is not present when the Council meets or if during the meeting the number of councillors present falls below the quorum, not counting those debarred by reason of a declared interest, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

#### VOTING

10. Members shall vote by show of hands, or if at least two members so request by signed ballot.
11. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.** (Such a request should preferably be made prior to the voting taking place but must be made before moving on to the next business).
12. a] **Subject to [ii] and [iii] below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he/she gave no original vote.**
- b] **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 Council shall not have an original vote in respect of the election of the**

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

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

- c] The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

**ORDER OF BUSINESS**

(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declarations, before the annual meeting commences).

- 13. At each Annual Meeting the first business shall be**
- a] To elect a Chairman.**
  - b] To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - c] In the ordinary year of elections of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - d] To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received.**
  - e] To elect a Vice-Chairman.
  - f] To appoint representatives of other bodies.
  - g] To appoint Committees & Sub-Committees.
  - h] To inspect any deeds and trust instruments in the custody of the council.
  - i] To consider the role of the Responsible Finance Officer, Financial Regulations and all other policies of the Town Council and determine when and how they will be reviewed.

And shall thereafter follow the order set out in Standing Order 16.

- 14. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received to decide when they shall be received.**
15. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 36 must be read in conjunction with this requirement.

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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16. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-
- a] To read and consider the minutes as to their accuracy, provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting. The minutes may be taken as read.
  - b] **After consideration to approve the signature of the minutes by the presiding Chairman as a correct record.**
  - c] **To deal with business expressly required by statute to be done.**
  - d] To allow 10 minutes in total for members of the public to speak.
  - e] Other business as set out on the agenda.
  - f] To answer questions.
17. A motion to vary the order of business from that shown on the agenda
- a] may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - b] shall be put to the vote without discussion.

### **RESOLUTIONS MOVED ON NOTICE**

18. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
19. The Clerk shall date every notice of motion or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
20. The Clerk shall insert in the summons for every meeting all notices of motion or recommendations properly given in the order in which they have been received unless the member giving the notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
21. If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
22. If the subject matter of a resolution comes within the province of a committee of the Council, it shall upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

23. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

**RESOLUTIONS MOVED WITHOUT NOTICE**

24. Resolutions dealing with the following matters may be moved without notice:-

- a] To appoint a Chairman of the meeting
- b] To correct the minutes
- c] To approve the minutes
- d] To alter the order of business
- e] To proceed to the next business
- f] To close or adjourn the debate
- g] To refer a matter to a Committee
- h] To appoint a Committee or any members thereof
- i] To adopt a report
- j] To authorise the sealing of documents
- k] To amend a motion
- l] To give leave to withdraw a motion or an amendment
- m] To extend the time limit for speeches
- n] To consider otherwise than in committee a question affecting an employee of the Council
- o] To exclude the press and public. This resolution is governed by the Standing Orders on the admission of public to meetings (SO 66).
- p] To silence or eject from the meeting a member named for misconduct this resolution is governed by the Standing Order on Disorderly Conduct (SO31).
- q] To give the consent of the Council where such consent is required by these Standing Orders
- r] To suspend Standing Orders except those which are mandatory by law.

**QUESTIONS**

25. A member of the Council may ask the Chairman or Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before noon of the day prior to the meeting; no question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

Every question shall be put and answered without discussion; a person to whom a question has been put may decline to answer.

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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26. A member, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of a meeting, so long as the question is put before the Committee has finished considering those proceedings.

**RULES OF DEBATE**

27. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
28. a] A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- b] A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c] A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d] No speech shall exceed 3 minutes except by consent of the Council.
- e] An amendment shall be either:-  
[i] To leave out words  
[ii] To leave out words and insert others  
[iii] To insert or add words
- f] An amendment shall not have the effect of negating the motion before the Council.
- g] If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h] A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i] The mover of a resolution or of an amendment shall have a right of reply.
- j] A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.
- k] A member may indicate his wish to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member wishing to speak for this purpose shall be heard forthwith.

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

- l] A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - m] When a resolution is under debate no other resolution shall be moved except the following:-
    - [i] To amend the resolution
    - [ii] To proceed to the next business
    - [iii] To adjourn the debate
    - [iv] That the question be now put
    - [v] That a member named be not further heard
    - [vi] That a member named do leave the meeting
    - [vii] That the resolution be referred to a committee
    - [viii] To exclude the public and press
    - [ix] To adjourn the meeting.
29. a] The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b] Members shall address the Chairman.
- c] If two or more members speak, the Chairman shall call upon one of them to speak.
- d] Whenever the Chairman speaks during a debate all other members shall be silent.

**CLOSURE**

30. a] At the end of any speech a member may, without comment, move "that the question be now put", " that the debate be now adjourned" or "that the Council do now adjourn". If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.
- b] At any time a member may, without comment, move to *proceed to the next business*. If such a motion is seconded, the Chairman shall forthwith put the motion, without debate. If carried, the meeting shall immediately move to consideration of the next item on the order of business. Consideration of the matter under discussion at the time the motion was put falls and is not carried forward. It can only appear on a future agenda as new business in the usual way.

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**DISORDERLY CONDUCT**

31. a] All members must observe the Code of Conduct which was adopted by the Council on 1 October 2007. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales)
- b] No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c] If, in the opinion of the Chairman, a member has so misconducted himself, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- d] If either of the motions mentioned in paragraph [c] is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- e] Any Councillor or Member of Staff with a grievance against a fellow Councillor or Staff Member has the right to approach the Chairman of Council who will deal with the issue within their remit. If the Chairman is unable to resolve the issue it will then be referred to a body of three: Chairman and Vice-Chairman of Council and one other Member. If the Chairman or Vice-Chairman are involved in any way the matter should be handed over to the Chairman of Policy Committee and two other councillors.

**RIGHT OF REPLY**

32. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

**ALTERATION OF RESOLUTION**

33. A member may, with the consent of his seconder, move amendments to his own resolution.

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

**RESCISSION OF PREVIOUS RESOLUTIONS**

34. a] A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least 7 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b] When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

**VOTING ON APPOINTMENTS**

35. When more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

**DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE  
COUNCIL**

36. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee [as the case may be] has decided whether or not the public shall be excluded [see Standing Order No 66].

**EXPENDITURE**

37. Any resolution which is moved otherwise than in accordance with the delegated powers of the relevant Committee, and which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance Committee shall report on the financial aspect of the matters.
38. a] **Orders for payment of money shall be authorised by resolution of the Council or Finance and General Purposes Committee as delegated and signed by two members and the Clerk.**

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

- b] The Clerk is authorised to make petty cash payments of up to £250 on his/her signature; a list of such petty cash payments to be available for inspection by councillors.
- c] Applications for loans/grants in excess of £500 must be accompanied by the latest audited accounts and are made conditional upon information being given to the Council on how they are spent.

**SEALING OF DOCUMENTS**

- 39. a] A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b] Any two members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.
- 40. Committees may incur expenditure on revenue/capital items up to the amounts included in the approved budget.
- 41. No expenditure may be incurred by a Committee which will exceed the amount provided in the revenue/capital budget without the permission of the Council.

**COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES**

- 42. The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that it:-
  - a] shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - b] at any time dissolve or alter the membership of a committee.
  - c] may appoint persons other than members of the Council to any Committee with or without voting powers.
- 43. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.
- 44. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
- 45. The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A Special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

- out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
46. Every committee may appoint sub-committees and working parties for purposes to be specified by the committee.
  47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
  48. Except where ordered by the Council in the case of a committee, or by the Council or the appropriate committee in the case of a sub-committee, the quorum of a committee determined by the Council or sub-committee determined by a Committee which sets it up shall be one half of its elected members.
  49. The Standing Orders on rules of debate [except that relating to speaking more than once] and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.
  50. Advisory Committees
    - a] The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
    - b] The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
    - c] An advisory committee may make recommendations and give notice thereof to the Council.
    - d] Any advisory committee may consist wholly of persons who are not members of the Council.

**VOTING IN COMMITTEES**

51. Members of committees and sub-committees entitled to vote shall vote by show of hands, or if at least two members so request, by signed ballot. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.** (Such a request should preferably be made prior to the voting taking place but must be made before moving on to the next business).
52. **Chairman of committees and sub-committees shall have a second or casting vote.**

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

**PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE  
MEETINGS**

53. A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.
54. Any Council member shall, unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee and to take part in its proceedings but shall not vote.

**ACCOUNTS AND FINANCIAL STATEMENT**

55. The financial procedures of the Council are governed by its Financial Regulations which are reviewed every year.

**ESTIMATES AND PRECEPTS**

56. Any committee desiring to incur expenditure to be defrayed out of the rates, shall not later than November 30th give to the Clerk a written estimate of the expenditure recommended for the coming year, and such estimate shall be submitted to a Council meeting no later than January.

**INTERESTS**

57. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 1<sup>st</sup> October 2007 then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

A member has a personal interest in a matter if that matter affects the well-being of them, members of their family, or people with whom they have a close association.

A personal interest will also be a prejudicial interest if the following conditions are met: a) the matter affects the member's financial interests or relates to a licensing or regulatory matter. b) a member of the public, who knows the relevant facts, would reasonably think that the personal interest is so significant that it is likely to prejudice the council member's judgement of the public interest.

58. If a member has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates unless members of the public are allowed to make

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

- representations about the matter, in which case they can attend the meeting for that purpose: the member must immediately leave the room once they have finished. They cannot remain in the public gallery to observe the vote on the matter.
59. **The Clerk is required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
60. If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom they are related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purpose of this Standing Order to every candidate.

**CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

61. a] Canvassing of members or any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- b] A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's experience or character for submission to the Council with an application for appointment.
62. Standing Orders Nos 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

**INSPECTION OF DOCUMENTS**

63. A member may for the purpose of his duty as such [but not otherwise], inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
64. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

**UNAUTHORISED ACTIVITIES**

65. No member of the Council or any committee or sub-committee shall in the name of or on behalf of the Council:
- a] Inspect any lands or premises which the Council has a right or duty to inspect; or
  - b] Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub- committee.

**ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

66. a] **The Public and press shall be admitted to all meetings of the Council and its committees** and sub-committees, **which may, however, temporarily exclude the public or the press** or both by means of a resolution indicating that in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw.
- b] The Council, committee or sub-committee shall state the special reason for exclusion.
- c] At all meetings of the Council, the Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
67. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council or a Committee.
68. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared and may adjourn the meeting for such period as is necessary to restore order.

**CONFIDENTIAL BUSINESS**

69. a] No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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- b] Any member in breach of the provision of a] of this Standing Order may be removed from any committee or sub-committee of the Council by the Council.
  
- c] To agree that at the time of issue a Red Paper will be classified into one of three categories:-
  - 1. Never to be disclosed (the paper contains information relating to personnel) unless required by due process of law.
  - 2. Papers should remain confidential for an indeterminate period.
  - 3. Items that the date when they may become non-confidential is known.The Clerk and the Chairman of the various committees to decide prior to the issue of the paper which category is relevant. All papers in categories 2 and 3 should be reviewed on a 6 monthly basis to change the status if so required.

### **LIAISON WITH DISTRICT COUNCILLORS**

- 70. a] A summons and agenda for each meeting shall be sent to the District Councillors for the appropriate division or wards.
  
- b] Unless the Council otherwise orders, a copy of each letter ordered to be sent to the District Council shall be transmitted to the District Councillors for the Town.

### **FINANCIAL MATTERS**

- 71. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
  
- [1] Such Regulations shall include detailed arrangements for the following:-
  - a] the accounting records and systems of internal control
  - b] the assessment and management of risks faced by the Council
  - c] the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually
  - d] the financial reporting requirements of members and local electors and
  - e] procurement policies (subject to 2. below) including the setting of values for different procedures where the contract has an estimated value less than £15,000.
  
- [2] Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £15,000 shall be procured on the basis of a formal tender as summarised in (3) below.

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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- [3] Any formal tender process shall comprise the following steps:
- a) a public notice of intention to place a contract to be placed in a local newspaper.
  - b) a specification of the goods, materials, services and the execution of works shall be drawn up.
  - c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time.
  - d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of the Council.
  - e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- [4] The Council or a committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders regarding improper activity.
- [5] The Financial Regulations of the Council shall be subject to regular review, at least once every year.
- [6] **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of the Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and , if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **CODE OF CONDUCT COMPLAINTS**

72. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

### **VARIATION REVOCATION AND SUSPENSION OF STANDING ORDERS**

73. Any part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
74. A motion permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**NAILSEA TOWN COUNCIL  
STANDING ORDERS**

**STANDING ORDERS TO BE GIVEN TO MEMBERS**

75. A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

**SMOKING AT PROCEEDINGS OF THE COUNCIL**

76. Smoking shall be banned from all Council and Committee meetings.

**MOBILE PHONES AT MEETINGS OF THE COUNCIL**

77. Mobile phones will be switched off for the duration of the Meetings of the Council and its Committees.

**TENDERS FOR CONTRACTS OR SUPPLY**

78. All tenders shall be opened by the Clerk or an appropriate Officer in the presence of the Chairman of the appropriate committee or his/her delegate.

**COMMUNICATION WITH THE PUBLIC AND PRESS**

79. a] Town Councillors are entitled to express their views to members of the public and the press. They are at liberty to express their personal views but in doing so they have an obligation to avoid misleading the public regarding the nature of the Town Council's deliberations and the policies and decisions that it makes.
- b] Any matters discussed by the Town Council as a confidential item of business must remain confidential until such time as the Town Council decides that it can come into the public domain.
- c] Prior to a matter being discussed by the Town Council, Councillors must not imply or state that they can predict or predetermine what the Council will decide. However, Town Councillors are entitled to publicise a matter that may be due to be discussed by the Council, to determine the views of their constituents and to help formulate public opinion.
- d] Town Councillors must act in accordance with policies and decisions of the Council when representing the Council. Official statements regarding policies and decisions can only be made by the Chairman of the Town Council, the relevant Chairman of Committee or the Town Clerk. Wherever possible statements must be discussed with the Clerk before being made. Where this is impossible the Clerk should be notified as to what has been said as soon as possible afterwards.

<p style="text-align: center;"><b>NAILSEA TOWN COUNCIL STANDING ORDERS</b></p>
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- e] An individual Town Councillor, if asked to comment on a policy or decision of the Town Council must make it clear that they are speaking as an individual and not on behalf of the Council. Town Councillors can publicly note that they voted against a decision.
- f] In representing the Town Council to another body, Councillors must act and speak in accordance with the decision of the Council.

**WRITTEN STATEMENTS**

80. Written statements will not be attached to minutes of meetings unless they are included with the papers sent with the agenda. The content of documents tabled at meetings will not be discussed at that meeting.

**HISTORY**

- a) Item 76: recommended by Policy Committee on 22 March 2006 and approved by Town Council on 5 April 2006 (minute 17/06).
- b) Item 78: approved by Town Council 4 April 2007 (minute 26/07).
- c) Preamble: approved by Town Council 13 February 2008 (minute 15/08).
- d) Item 79: recommended by Committee Chairmen, 3 October 2007 and approved by Town Council on 13 February 2008 (minute 09/08).
- e) Item 29 e]: recommended by Policy Committee on 30 July 2008 and approved by Town Council on 27 August 2008 (minute 88/08).
- f) Item 14 a): recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- g) Item 24: recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- h) Item 36 b): recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- i) Item 56: recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- j) Item 57: recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- k) Item 58. recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- l) Item 69 a): recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).  
Town Council 3<sup>rd</sup> November 2010 Standing Order 68 b]
- m) Item 68 c) recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- n) Item j): min 41/02 has been deleted recommended by Policy Committee on 13<sup>th</sup> January 2010 and approved by Town Council on 31<sup>st</sup> March 2010 (minute 22/10).
- o) Item 68 b]: recommended by Policy Committee on 14<sup>th</sup> July 2010 and approved by Town Council on 3<sup>rd</sup> November 2010 to agree to change Standing Order 68 b] (minute 103/10).

<b>NAILSEA TOWN COUNCIL STANDING ORDERS</b>
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- p) Item 1: recommended by Policy Committee on 12<sup>th</sup> January 2011
- q) Item 4: recommended by Policy Committee on 12<sup>th</sup> January 2011
- r) Item 5 a] and e] recommended by Policy Committee on 12<sup>th</sup> January 2011
- s) Item 14 d] recommended by Policy Committee on 12<sup>th</sup> January 2011
- t) Item 22 r] recommended by Policy Committee on 12<sup>th</sup> January 2011
- u) Item 36 b] recommended by Policy Committee on 12<sup>th</sup> January 2011
- v) Item 40 b] recommended by Policy Committee on 12<sup>th</sup> January 2011
- w) Item 44: recommended by Policy Committee on 12<sup>th</sup> January 2011
- x) Item 53 a] and d] recommended by Policy Committee on 12<sup>th</sup> January 2011
- y) Item 70 [6] recommended by Policy Committee on 12<sup>th</sup> January 2011

### **RECOMMENDATIONS BUT NOT STANDING ORDERS**

a) Minute No. 54/92 recommended that Councillors putting items on an agenda must provide sufficient information, either by a separate paper for circulation or by inclusion in the Clerk's report, to enable an informed debate to take place and to advise Councillors of the nature of any decision required.

b) Minute No. 37/95b Guidelines for Working Parties:-

1. A Working Party is to be given a specific remit
2. The Clerk is responsible for all written communications produced by the Working Party
3. The Clerk is responsible for obtaining/inviting outside expertise
4. The Clerk is to be kept informed of all actions to be taken
5. Reports from a Working Party must be presented to the appropriate Committee.

c) Minute No. 37/95b When a Chairman of Committee presents a report to Council:-  
a Chairman of a Committee should present a report of Committee to the Council, including recommendations, and thereafter is free to take part in the debate as an individual Councillor.

d) Minute No. 99/95 It is normal practice for Councillors to serve on at least two Committees

e) PC10/96 the Council adopt a policy whereby all casual vacancies on the Council which arose in the first three and a half years following an ordinary election would be advertised in the local press.

f) Min. 128/98(f) Committees, at their first meeting of the Council year, should consider co-opting non-Council members.

g) Min. 132/99f – Policy of reimbursing Cllrs, for journeys outside the Parish, whereby they can claim for reasonable actual costs, reasonably incurred; if this still involves considerable expense then it must be approved beforehand.

h) Min 41/02 – The Council will review its Policy Statement on Equal Opportunities and Racial Equality on a regular basis and pay due regard to the duty it has to eliminate unlawful racial discrimination; promote equality of opportunities and promote good race relations in any of its dealings.

i) Min 41/02 The Council will include within its advertisements for employment or co-option to the Council the statement "This Council is committed to Equal Opportunities and to the promotion of race equality".