

WHITEHAVEN TOWN COUNCIL

Clerk to the Council:

Marlene Jewell
Telephone: 01946 67366

Chairman:

To: Members of the Whitehaven Town Council

You are duly **SUMMONED** to attend the **ANNUAL MEETING** of **WHITEHAVEN TOWN COUNCIL** which will be held in the **ENNERDALE ROOM** **WHITEHAVEN CIVIC HALL, LOWTHER STREET, WHITEHAVEN**

Date: Wednesday 15th May 2019

Time: 6.30pm

Signed.....*Marlene Jewell*.....Dated.....*9th May 2019*.....
Marlene Jewell, Clerk and Responsible Financial Officer

AGENDA

- 1. Introduction**
- 2. Appointment of Chairman (Mayor)**
- 3. Appointment of Deputy Chairman (Deputy Mayor)**
- 4. Apologies for Absence**

To receive apologies for absence

- 5. Declarations of Interest**

To receive declarations of interests by elected members in respect of Agenda items

If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact the Clerk at least 24 hours in advance of the meeting.

- 6. Minutes of the Council Meeting held on 25th April 2019**

contact the Clerk at least 24 hours in advance of the meeting.

6. **Minutes of the Council Meeting held on 25th April 2019**
7. **Public Participation**
8. **Planning Applications**
9. **Finance Report**
10. **Council's Bank Account – Authorised signatories**
11. **Review and adoption of Standing Orders**
12. **Review and adoption of Financial Regulations**
13. **Review and adoption of Code of Conduct**
14. **Chairman's Allowance**
15. **Appointments to Committees**
16. **Adoption of Terms of Reference for Committees**
17. **Appointment to advisory Groups**
18. **Insurance Cover and Subscription to Other Bodies**
19. **Health and Safety**
20. **Review of s137 Expenditure**
21. **Financial Risks Assessment**
22. **Review of Asset Register**
23. **Whitehaven in Bloom – Clerk to give report**
24. **Time and Place of ordinary Council Meetings up to and including the next Annual Meeting**
25. **Councillor Ward Matters**
26. **Date time and place of next Meeting**

WHITEHAVEN TOWN COUNCIL

Minutes of the Council Meeting held on 25th April 2019

Present: Councillors G Roberts (Chairman); J Forster; R Gill; C Hayes; J Kane; C Maudling; B O’Kane; J Rayson; C Walmsley

M. Jewell, Clerk and Responsible Financial Officer

V Gorley, Assistant Clerk

Elena Davis. Whitehaven Town Council Ranger

Cliff Walker, Copeland Borough Council’s Deputy Community Services Manager

Representatives from Buzy Bees Software Systems

Representatives from Blue Sky Trust

Members of the Public

1271/19 Apologies For Absence

Apologies for absence were received from Councillor Lowrey and Councillor Poland

1272/19 Declarations of Interest

There were no declaration of interest.

1273/19 Minutes of the Council Meeting held on 28th March 2019

It was proposed by Councillor Gill and seconded by Councillor Maudling that the Minutes for the Council Meeting on 28th March 2019 be approved and signed by the Chairman as a correct record.

RESOLVED – That the Minutes of the Council Meeting on 28th March 2019 be approved and signed by the Chairman as a correct record.

1274/19 Minutes of the Extraordinary Council Meeting held on 17th April 2019

It was proposed by Councillor Maudling and seconded by Councillor Hayes that the Minutes of the Extraordinary Council Meeting on 17th April 2019 be approved and signed by the Chairman as a correct record.

RESOLVED – That the Minutes of the Extraordinary Council Meeting on 17th April 2019 be approved and signed by the Chairman as a correct record.

1275/19 **Public Participation**

- i. Elena Davis, Whitehaven Town Council's Ranger introduced herself to the Council and did a short presentation on the type of work she was carrying out for the Council including the work starting very shortly on Whitehaven in Bloom and said she hoped to do a good job and make Whitehaven a town to be proud of.

Councillor O'Kane said that working with the Open Spaces Team has been an excellent way forward and the Chairman thanked Elena for her work and said that people had been telling him how much better the town had been looking.

1276/19 **Planning Applications**

The Council considered a list of Planning Applications received and shown at Appendix 1.

Councillor Roberts stated that in respect of Planning Application CH/4/19/2116/0F1 that the access for cars was only 96 inches and that this was not wide enough. The Council had no representations to make on any of the other planning applications on Appendix 1 and it was

RESOLVED – That a letter be sent to CBC Planning Department informing them of Councillor Roberts' statement on planning application CH/4/19/2116/0F1 and that there were no representations on any of the other planning applications on Appendix 1.

1277/19 **Financial Report**

The Council considered a Financial Report

- i The Assistant Clerk reported that there were 3 additional invoices to be added to Appendix 1
- Viking for £35.02
 - Cumbria Media for £42.00
 - CBC for £656.93

It was proposed by Councillor Gill and seconded by Councillor Hayes that the Invoices shown at Appendix 1 and the additional 3 invoices above be approved and paid.

RESOLVED – That the Invoices shown at Appendix 1 and the additional 3 invoices above be approved and paid.

- ii The Council considered Appendices 2 and 3 relating to the Cashbook and Income and Expenditure. It was reported that the Chairman had spent £100 from his Chairman's Allowance to buy prizes for the model making Competition.

It was proposed by Councillor Hayes and seconded by Councillor O'Kane that Appendices 2 and 3 be approved and noted.

RESOLVED – That the Cash Book and Income and Expenditure at Appendices 2 and 3 be approved and noted

1278/19 **Council's Website**

The Council considered a report about the increase in the hourly rate of the Council's website provider from £12 to £24 for uploading documents and considered the way forward particularly as to commissioning a new website with the Council doing its own uploading.

It was proposed by Councillor Maudling and seconded by Councillor Rayson that in accordance with Financial Regulations the Council seeks quotes from website designers for the provision of a new website and that in the meantime the Council continue to use the current web provider at a cost of £24 per hour.

RESOLVED – That in accordance with Financial Regulations the Council seeks quotes from website designers for the provision of a new website and that in the meantime the Council continue to use the current website provider at a cost of £24 per hour.

1279/19 **Whitehaven Appsolutely**

The Council heard a presentation from Buzy Bees Software Services on the Whitehaven Appsolutely Town App. and considered a report on this.

They said they were looking for investment/sponsorship/grants as they were a small business with limited finances.

It was proposed by Councillor O'Kane and seconded by Councillor Gill that the presentation be noted and that the new Council be asked to liaise with Buzy Bees to work out a way to progress this.

RESOLVED – That the presentation be noted and that the new Council be asked to liaise with Buzy Bees to work out a way to progress this

1280/19 **Market Officers Report**

Cliff Walker , CBC's Deputy Community Services Manager attend the meeting to give a report on Whitehaven Market. He said things had not been going well but that he was giving a commitment to the Council to move things forward starting off by reinvigorating the Stakeholders Group. He said there had only been a negligible improvement in the Market and the right people needed to be involved to move the market forward.

He asked for a little leeway for CBC to improve things.

It was proposed by Councillor O'Kane and seconded by Councillor Gill that a letter be sent to CBC expressing the Council's severe concern over the lack of progress with respect to Whitehaven market and its development during the last 12 months' period.

RESOLVED – That a letter be sent to CBC expressing the Council's severe concern about the lack of progress with respect to Whitehaven market during the last 12 months' period

1281/19 **Presentation by Inspector Richard Smillie**

Inspector Smillie presented a Police Update Report which was included in the Agenda and made the following points:-

- There had been an increase in thefts from vehicles in the Bransty and Hillcrest areas and extra patrols had been allocated to these areas.
- There is still an issue with drugs in the town centre
- Policing is a priority in Whitehaven town centre
- Drinking in St Nicholas Gardens – the Police were supporting CBC with their PSPO
- The ASB figures compared with this quarter last year show a reduction figure of 25% to 30%

The Council thanked Inspector Smillie for attending.

No decisions were taken as it was an information item only.

1282/19 **Merchant Navy Day – 3rd September 2019**

The Council considered a letter received from The Seafarers UK requesting the Council to take part in this event and :-

- Fly a red ensign – the British Navy's official flag on 3rd September 2019
- Organise a flag hoisting ceremony for local dignitaries etc
- Promote this on social media etc

It was proposed by Councillor Gill and seconded by Councillor Rayson that 4 red ensigns be purchased and that the organisation of this event be dealt with by the Events Advisory Group.

1283/19 Events Advisory Group

The Council considered a report on the budget for the organised events in 2019. Expenditure shown in black had previously been agreed by Council and expenditure shown in red had been recommended for approval by the Events Advisory Group.

The Assistant Clerk said that 4 quotes had been received for the provision of the marquee and that the quote from a firm in the sum of £21116.20 although not the lowest quote received was favoured as they had been helpful

It was proposed by Councillor Gill and seconded by Councillor Hayes that :-

- i. The quote of £2116.20 for the marquee be accepted
- ii. That expenditure of £120.00 for the face painter be approved
- iii. That expenditure of £100.00 for the balloon modeller be approved
- iv. That additional giant foamex hardboards be purchased

- RESOLVED -**
- i. That the quote of £2116.20 for the marquee be accepted
 - ii That expenditure of £120.00 for the face painter be approved
 - iii That expenditure of £100.00 for the balloon modeller be approved
 - iv That additional giant foamex boards be purchased

Councillor O’Kane said that on behalf of the Council he would like to thank Gerard Richardson for all his help in organising the events.

1284/19 Whitehaven in Bloom Advisory Group

The Council considered a report on discussions held with CBC and the Council’s preferred supplier of flowers regarding flowers/bedding plants for autumn/winter 2019/2020.

The cost of flowers/bedding plants for autumn/winter 2019/2020 was £2,478.00 plus VAT.

It was proposed by Councillor Gill and seconded by Councillor Maudling that the expenditure of £2,478.00 plus VAT for the autumn/winter flowers/bedding plants be approved .

RESOLVED – That the expenditure of £2,478.00 plus VAT for the autumn/winter flowers/bedding plants be approved.

1285/19 Allotments Advisory Group

The Council considered a report containing recommendations following a meeting of the Allotment Advisory Group on 12th April.

It was proposed by Councillor Gill and seconded by Councillor Maudling that report recommendations 2.5; 2.6; 2.7; 3.1 and 3.5 (request for shillies) be approved.

RESOLVED – That report recommendations 2.5; 2.6; 2.7; 3.1 and 3.5(request for shillies) be approved.

1286/19 **Contract for Seasonal Operative and Ranger**

The Council considered the contracts with CBC for the provision of a Town Council Ranger and a Seasonal Operative both on 3 days a week for the Town Council.

It was proposed by Councillor Kane and seconded by Councillor Walmsley that the Contracts for the Whitehaven Town Council Ranger and Seasonal Operative be approved and signed on behalf of the Council by the Mayor and Deputy Mayor.

RESOLVED – That the Contracts for the Whitehaven Town Council Ranger and Seasonal Operative be approved and signed by the Mayor and Deputy Mayor.

1287/19 **Councillor Matters**

- i. Councillor Kane said that the buses on Lowther street were blocking visibility from Church Street and asked why a mirror couldn't be put on to help motorists.
- ii. Councillor Walmsley said there was a lot of bullying in the area and asked if there could be some workshops on this in the schools.
- iii. Councillor Forster said there had been a problem with the play park at Hensingham and that the surface of it had been pulled. CBC were getting quotes to repair it.
- iv. Councillor Gill asked if he could have the monies raised for his charities during his year as Mayor which had been banked.
- v. Councillor Maudling said people in town were giving a lot of compliments about what the Town Council was doing.
- vi. Councillor Rayson said that she wanted to take this opportunity to thank everyone and to wish everyone well for the future.
- vii. Councillor Hayes said that opposite the shop on Kells there used to be a camera and asked if there was any chance that it could go back up.

1288/19 **Date and Time of Annual Town Council Meeting following the Election**

RESOLVED – That the Annual Town Council Meeting be on Thursday

16th May 2019 at 6.30pm in the Ennerdale Room at the Whitehaven Civic Hall.

1289/19 **Date of Annual Parish Meeting**

RESOLVED – That the Annual Parish Meeting be held on Tuesday 21st May 2019 at 6.00pm in the Ennerdale Room at the Whitehaven Civic Hall

1290/19 **IN PRIVATE**

Prior to the following items of business the Chairman moved the following Resolution

That in view of the special or confidential nature of business about to be
It is advisable in the public interest that the public and/or press be instructed to withdraw.

This was seconded by Councillor O’Kane

RESOLVED – That the public and/or press withdraw from the room.

1291/19 **ACTion For Communities**

Representatives from ACTion For Communities attended the Council meeting to discuss the present situation with regards to the Community Plan. There had been a poor response to the community questionnaire.

This was a discussion and no decisions were taken but it was agreed that this would be a good opportunity to restart the process in May 2019 when the new Council is in place.

1292/19 **Grant Application – Blue Sky Trust**

The Council considered an application from Blue Sky Trust for a grant of £6,900 to fund the set up of a support group for people with HIV in Cumbria and listened to a presentation on this. An undertaking was given that any money awarded would be spent in Whitehaven.

It was proposed by Councillor Gill and seconded by Councillor Maudling that a grant of £1,000.00 be awarded to Blue Sky Trust on the proviso that the money will be spent in Whitehaven.

RESOLVED – That a grant of £1,000.00 be awarded to Blue Sky Trust on the proviso that the money will be spent in Whitehaven.

1293/19 **Grant Application – Always Another Way**

The Council considered an application from Always Another Way for a grant of £1,000 to help towards the cost of a 5 day First Responder Course for 12 people in the community.

It was proposed by Councillor Kane and seconded by Councillor Hayes that a grant of £1,000 be awarded to Always Another Way.

RESOLVED – That a grant of £1,000 be awarded to Always Another Way.

1294/19 Defamation, Bullying and Harrassment

Further to Minute 1270/19 it was reported that the legalities of taking a certain course of action had been investigated with CBC and the Clerk gave the Council the details.

It was proposed by Councillor Kane and seconded by Councillor Hayes that an Individual(s) be blocked from the Council's systems to secure the safety and wellbeing of staff and Councillors and to block vexacious, repetitious and persistant emails.

RESOLVED – That an individual(s) be blocked from the Council's systems to secure the safety and wellbeing of staff and Councillors and to block vexacious, repetitious and persistant emails.

The Meeting closed at 9.00pm

Chairman

Planning Application for Consideration by Whitehaven Town Council

<u>Application Number</u>	<u>Detail</u>
CJH/4/19/2093/0F1	Consultation on Amended Plans for: REVISION OF LAYOUT APPROVED UNDER REFERENCE 4/18/2118/0F1 FOR THE REPLACEMENT OF 7 UNITS WITH 9 BUNGALOWS ON PLOTS 28 TO 40 (EVEN NUMBERS ONLY) THE MOUNT, WHITEHAVEN
CH/4/19/2139/0B1	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/18/2171/0F1 FOR REVISED PLOT LAYOUT PLOTS 47-48, JOLLOWS CLOSE, WHITEHAVEN
CH/4/19/2146/0F1	GARAGE/OUTBUILDING 31 ENNERDALE TERRACE, WHITEHAVEN
CH/4/19/2154/0F1	SINGLE STOREY REAR EXTENSION TO PROVIDE KITCHEN/DINING SPACE 52 LEATHWAITE, WHITEHAVEN
CJH/4/19/2077/0F1	Consultation on Amended Plans for: REMEDIAL WORKS TO THE PARTY WALL FOLLOWING DEMOLITION OF THE ADJACENT SITE INCLUDING MASONRY REPAIRS; PARTIAL ROOF REPLACEMENT; RELOCATION & ENCLOSURE OF AC CONDENSER WITH 2.2M FENCING SENHOUSE CENTRE, 3 SENHOUSE STREET, WHITEHAVEN

Item 9

FINANCIAL REPORT

Purpose of the Report

Members are asked to consider a list of invoices for authorisation and payment as shown at Appendix 1 and approve the recommendations in paragraphs 3.1 and 3.2.

1.0 INTRODUCTION

- 1.1 Authorise the payment of all invoices as listed in Appendix 1.
- 1.2 The Council is asked to note the cashbook as reconciled with the bank account as shown at Appendix 2 together with income and expenditure at Appendix 3.
- 1.3 Advice has been received from CBC Parks and Open Spaces department and they have recommended that the Town Council purchase 2 tonnes of compost to fill the newly purchased 4 tier planters. 3 quotes have been received in the past and we have approached the cheapest provider who has quoted £66.66 + VAT.
- 1.4 The Town Council Ranger has requested a further 15 hanging basket brackets be purchased from our existing supplier in order to honour outstanding agreements with shop owners who requested that brackets are installed on their premises. The price per bracket is £17.50 per bracket, therefore the total price payable is £262.50.

2.0 FINANCIAL POSITION

- 2.1 The bank reconciliation was carried out on 7th May 2019. This shows a balance of £694,022.23. There are however cheques to the value of £10,186.01 from 2019/20 financial year still to be presented and cleared.
- 2.2 The balance in the deposit account is £144,431.97.

3.0 RECOMMENDATION

- 3.1 The invoices listed and shown in Appendix 1 be approved and authorised for payment.

- 3.2 The Cashbook (Appendix 2) and the Income and Expenditure (Appendix 3) be noted.
- 3.3 That the expenditure at 1.3 and 1.4 be approved.

16/05/2019

Appendix 1

Invoices for Consideration by Whitehaven Town Council

Date	Supplier	Category	Detail	Total Amount	Power
24/04/2019	Amberol Limited	Events	4 x self watering window boxed complete with brackets	£ 752.70	s144 LGA 1972
26/04/2019	Cllr. Graham Roberts	Employees & Allowances	Return taxi fare from home address to WRLFC Ground for launch event	£ 10.00	s111 LGA 1972
26/04/2019	Mrs V Gorley	Events	4 x Red Ensign Flags for Merchant Navy Day	£ 13.76	s111 LGA 1972
29/04/2019	Cllr. Graham Roberts	Employees & Allowances	Return taxi fare from home address to Hensingham Primary School	£ 10.00	s111 LGA 1972
29/04/2019	Rosehill Youth Theatre	Premises	Meeting room hire for March/April	£ 230.00	s111 LGA 1972
01/05/2019	Copeland Borough Council	Premises	Energy Charges for Room 3, Civic Hall - May 2019	£ 65.40	s111 LGA 1972
03/05/2019	Keith Singleton	Events	40 x 80ltr bags of multi-purpose compost	£ 201.60	s144 LGA 1972
08/05/2019	Copeland Borough Council	Events	Additional flowers/plants for 12 x cast iron planters	£ 420.00	s144 LGA 1972

£ 1,703.46

WHITEHAVEN TOWN COUNCIL
CASH BOOK FROM 1 APRIL 2019

APPENDIX 2

Date	Ref	Payee	Employee: Premises	Supplies/3rd Party	Grants	Allotments Christmas	Market	Community Plan	Ground Maint	Civic Hospitality	Ranger	W.I.B	Ward Grants	Elections	Environmental Improvements	Events	Contingencies	Reserves	Net Total	VAT	Total	Min. Ref.
08/04/2019	BACS	The Solway Hall	130.00																130.00		130.00	1250/19 (i)
08/04/2019	BACS	Cumbria Media		32.00															32.00		32.00	1250/19 (i)
10/04/2019	BACS	Whitehaven Heritage Action Group			600.00														600.00		600.00	Grant
10/04/2019	BACS	Whitehaven & District Amateur Operatic Soc.			366.60														366.60		366.60	Grant
10/04/2019	BACS	Deborah McKenna Ltd														750.00			750.00	150.00	900.00	1255/19
15/04/2019	BACS	Staff	4319.55																4319.55		4319.55	1183/18
15/04/2019	BACS	Cumbria LGPS	848.78																848.78		848.78	631/17 (ii)
15/04/2019	BACS	HMRC	1929.36																1929.36		1929.36	HMRC
23/04/2019	DD	BT Group		72.69															72.69		72.69	HMRC
26/04/2019	644	Copeland Borough Council		1774.19								1000.00							1000.00	200.00	1200.00	1189/19
26/04/2019	645	CALC																	1774.19		1774.19	1263/19
26/04/2019	646	Copeland Borough Council	65.40																65.40		65.40	
26/04/2019	647	Copeland Borough Council	42.70																42.70		42.70	
26/04/2019	648	Water Plus Limited				23.84													23.84		23.84	28/61
26/04/2019	649	Water Plus Limited				80.40													80.40		80.40	
26/04/2019	650	Copeland Borough Council	109.00																109.00		109.00	
26/04/2019	651	Copeland Borough Council	375.00																375.00		375.00	
26/04/2019	652	Copeland Borough Council	196.24																196.24		196.24	
26/04/2019	653	Copeland Borough Council																	547.44		547.44	1189/19
26/04/2019	654	Copeland Borough Council						880.21											880.21		880.21	1188/19
26/04/2019	655	Viking Payments		29.18															29.18		29.18	
26/04/2019	656	Mrs V Gorney	23.00																23.00		23.00	
26/04/2019	657	Clr Graham Roberts	59.95																59.95		59.95	
30/04/2019	BACS	Cumbria Media	42.00										250.00						42.00		292.00	
30/04/2019	BACS	Whitehaven RUFC											2000.00						2000.00		2000.00	Ward Grant
30/04/2019	BACS	Whitehaven Army Cadets											2000.00						2000.00		2000.00	Ward Grant
30/04/2019	BACS	DTL Marquee Hire												210.00					210.00	42.00	252.00	
01/05/2019	658	R.W Martin																			350.00	
01/05/2019	DD	CF Corporate		300.00															300.00		300.00	
01/05/2019	659	West Cumbria Branch of Parkinson's UK	610.00																610.00		610.00	
01/05/2019	660	Mayfield School	610.00																610.00		610.00	
01/05/2019	661	Zurich Municipal		2553.32															2553.32		2553.32	
01/05/2019	DD	CF Corporate	340.00																340.00		340.00	
			8782.64	918.34	4761.38	0.00	966.60	651.68	0.00	880.21	0.00	1000.00	2250.00	0.00	0.00	0.00	0.00	0.00	21520.85	830.68	830.68	£22,351.53

INCOME 2018-19

Date	Item	Precept	Interest	Other	
01/04/2019	Deposit Account Interest		2466.12		
08/04/2019	Allotment Rents 2019/20			1320.08	
10/04/2019	Allotment Rents 2019/20			120.00	
24/04/2019	HMRC - VAT REFUND March			5616.68	
29/04/2019	Allotment Rents 2019/20			420.00	
30/04/2019	2019/20 Precept	442558.02			
		442558.02	2466.12	7476.76	452500.90

**WHITEHAVEN TOWN COUNCIL
SUMMARISED INCOME & EXPENDITURE STATEMENT
FINANCIAL YEAR 2019-20**

Expenditure Net
of VAT Invoices not yet
processed Budget

BANK BALANCES BROUGHT FORWARD

CBS 53905917 (01.04.2019) 256,152.97

CBS 53906216 (01.04.2019) 141,965.85

TOTAL OPENING BALANCE **£ 398,118.82**

INCOME:

Precept 442,558.02

Interest (Deposit) 2,466.12

Other Income 7,476.76

TOTAL INCOME **£ 452,500.90**

EXPENDITURE

Employees & Allowances 8782.64

Premises 918.34

Supplies/Services 4761.38

3rd Party 0.00

Grants 966.60

Allotments 651.68

Christmas 0.00

Markets 0.00

Community Plan 0.00

Ground Maintenance 880.21

Civic Hospitality 0.00

Ranger 0.00

Whitehaven In Bloom 1000.00

Ward Grants 2250.00

Elections 0.00

Environmental Improvements 0.00

Events 1310.00

Contingencies 0.00

Reserves 0.00

VAT (to be reclaimed) 830.68

TOTAL EXPENDITURE **£ 22,351.53**

CASH BOOK BALANCE

Brought forward £ 398,118.82

Income £ 452,500.90

Expenditure £ 22,351.53

Town Council Funds **828,268.19**

BANK BALANCES

CBS 53905917 (15/04/2019) 694,022.23

CBS 53906216 (15/04/2019) 144,431.97

£ 838,454.20

Unpresented Cheques 2019/2020 10,186.01

FINANCIAL POSITION

£ 828,268.19

COUNCIL'S BANK ACCOUNT

Purpose of Report and Recommendation

To inform Members of the present position with authorised signatories for the Council's Bank Account, and to recommend that the existing authorised signatories be re- appointed and that two further signatories be appointed.

1.0 INTRODUCTION

- 1.1 The Council has a current and deposit account with Cumberland Building Society.
- 1.2 Four Councillors were appointed as authorised signatories for the Bank Account with any two from four being required to sign cheques and authorise payments.
- 1.3 Two of the authorised signatories are no longer members of the Council. The two remaining authorised signatories are Councillor O'Kane and Councillor Roberts.

2.0 RECOMMENDATION

- 3.1 It is recommended that Councillors O'Kane, and Roberts be reappointed as authorised signatories and that a further two Councillors be appointed as an authorised signatories.

REVIEW AND ADOPTION OF MODEL STANDING ORDERS

Purpose of Report and Recommendation

To request Members to consider the Model Standing Orders and to recommend approval subject to the amendment in paragraph 3.

1.0 INTRODUCTION

- 1.1 The Council like many other local authorities has adopted the Model Standing Orders prepared by the National Association of Local Councils (NALC). (shown at Appendix 1).
- 1.2 The Model Standing Orders were last reviewed and approved on 30th August 2018 (Minute 1062/18 refers). (Shown at Appendix 1). Each time NALC makes any amendment to the Model Standing Orders they are referred to Council for consideration and approval.
- 1.3 The Model Standing Orders require amendment at Clause 3 v which states that the quorum for Council meetings shall not be less than three. As there are 12 Councillors on the Town Council the quorate number is now 4 and the Standing Order should read "in no case shall the quorum of a meeting be less than four".

2.0 RECOMMENDATION

- 3.1 It is recommended that the Model Standing Orders be revised to incorporate the amendment at Clause 3v and approved and adopted and that they be further reviewed at the next Annual Meeting in May 2020 unless in the meanwhile amendments are made by NALC in which case they will be referred back to the Council at that time.



WHITEHAVEN TOWN COUNCIL

Standing Orders

ADOPTED BY FULL COUNCIL 21ST MAY 2015 – MINUTE REF 7/15(i)
ADOPTED BY FULL COUNCIL 25TH AUGUST 2016 – MINUTE REF 482/16
AMENDED AT FULL COUNCIL 26TH JANUARY 2017 – MINUTE REF 607/17
REVIEWED & ADOPTED BY FULL COUNCIL ON 5TH OCTOBER 2017 – MINUTE REF 794/17
REVIEWED & ADOPTED BY FULL COUNCIL ON 30TH AUGUST 2018 – MINUTE REF 1062/18

Index of standing orders

1. Rules of debate at meetings (P4)
2. Disorderly conduct at meetings (P6)
3. Meetings generally (P7)
4. Committees and sub-committees (10)
5. Ordinary council meetings (P11)
6. Extraordinary meetings of the council, committees and sub-committees (P13)
7. Previous resolutions (P13)
8. Voting on appointments (P14)
9. Motions for a meeting that require written notice to be given to the Proper Officer (P14)
10. Motions at a meeting that do not require written notice (P15)
11. Management of Information (P15)
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WHITEHAVEN TOWN COUNCIL

Standing orders

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 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 chairman of the meeting, is expressed in writing to the chairman.

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- h A councillor may move an amendment to his 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 chairman of the meeting.
 - j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
 - k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
 - 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 chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.

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- q A point of order shall be decided by the chairman of the meeting and his 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 or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his 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 3 minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

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

3. Meetings generally


- 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 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
 - 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 chairman of the meeting.
 - g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 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 chairman of the meeting may direct that a written or oral response be given.


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- i A person shall raise his hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
 - j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
 - ■ l Subject to standing order 3(m), 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 takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - ■ n The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
 - o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
 - p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - ■ ■ q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
 - ■ ■ r The chairman 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 his casting vote whether or not he gave an original vote.**

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


- s **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 his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

-  u **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 his right to participate and vote on that matter.**

-  v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than four.**

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

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

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- x A meeting shall not exceed a period of 2.5 hours.
 - y Any Councillor wishing to have an item included on the next Council Agenda should inform the Clerk of the item seven days before the Council meeting and that this be discussed by the Chairman and the Clerk and a decision made.

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 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 the 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), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), 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 2 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman 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;

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- 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 or a sub-committee.

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 decides.**
- 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 Chairman(Mayor) and Vice-Chairman (Deputy Mayor) (if any) of the Council.**
- f The Chairman (Mayor) of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The Vice-Chairman (Deputy Mayor) of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h In an election year, if the current Chairman (Mayor) of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman (Mayor) of the Council has been elected. The current Chairman (Mayor) of the Council shall not have an**

original vote in respect of the election of the new Chairman (Mayor) of the Council but must give a casting vote in the case of an equality of votes.

- i **In an election year, if the current Chairman (Mayor) of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman (Mayor) of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman (Mayor) of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman (Mayor) of the Council and Vice-Chairman (Deputy Mayor) (if any) 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 Chairman (Mayor) 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 Chairman (Mayor) of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, (including legal agreements), with other local authorities, not for profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;

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- xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;
 - xvii. Review of the Council's 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);
 - xviii. Review of the Council's policy for dealing with the press/media; and
 - xix. Review of the Council's employment policies and procedures;
 - xx. Review of the Council's expenditure incurred under s. 137 of the Local Government Act 1972 or the general power of competence.
 - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of Council.

6. Extraordinary meetings of the council and committees and sub-committees

- a The 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 seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the 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.

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- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

9. Motions 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 which it is tabled for 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 at least (3) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), 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) 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 (5) 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 chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

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- 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 in a book for that purpose and numbered in the order that they are received.
 - h Motions rejected shall be recorded in a book if the wording or subject of a proposed motion is considered improper, the for that purpose with an explanation by the Proper Officer for their 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;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

11. Management of Information

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

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- 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 or agents shall not disclose confidential information or personal data without legal justification.

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 chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, 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(u) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the 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] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e)**

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above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the council's area or
- iii. it is otherwise appropriate to grant a dispensation.

14. Code of conduct complaints

- a Upon notification by the Borough 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 Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Borough Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office. When considering a sanction against any Councillor that Members shall have regard to any recommendations of the Borough Council's Audit and Governance Committee that has investigated the code of conduct complaint.**

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 residencies or by e-mail authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the date, time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the date, 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 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under Data Protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange for legal deeds to be executed;

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(See also standing order 23 below).

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Sub 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 council
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

(See also standing order 23 below).

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 (England)
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments for each quarter;
 - ii. the council's aggregate receipts and payments 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

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highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 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 applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to each councillor before the end of the following month of May. 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 special circumstances are exempt from a tendering process or procurement exercise.

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the**

Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity 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 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.#
- g A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £280,370 for a social and

other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurements procedures and other requirements in the Utilities Contracts Regulations 2016.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council subject to standing order 11 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman or, if he is not available, the vice-chairman of the absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- c The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the employee. The reviews and appraisal shall be reported in writing and is subject to approval by resolution.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the chairman or vice-chairman this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.

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- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to (post holder) and/or the Chairman of the Council.

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.

21. Responsibilities under Data Protection Legislation

- 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 an 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.
- 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 handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

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23. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) 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, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

The above is applicable to a council with a common seal.

OR

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.

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

24. Communicating with District and County or Unitary councillors

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

25. Restrictions on councillor activities

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

26. Standing orders generally

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

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- 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 6 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 he has delivered his acceptance of office form.
 - d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

