



MABLETHORPE AND SUTTON TOWN COUNCIL

STANDING ORDERS

MEETINGS

1.
 - (a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
 - (b) No meeting of the Town Council, Substantive Committee or Working Group will last for more than two hours. Elected Members may resolve to suspend this standing order, only where it would be appropriate and beneficial to continue business for periods longer than this. In this event, a period (of no longer than 10 minutes) will precede such period to allow for a comfort break.
 - (c) Meetings are the only legal decision-making process; "All questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority" *Local Government Act 1972 Schedule 12 para. 39(1)*
 - (d) There is no legislation that allows the Town Council to accept votes by e-mail, social media, letter, proxy or other means.
 - (e) The process of pre-determination is illegal (i.e., groups of Councillors meeting prior to any Council meeting in order to decide or influence any outcome). *Localism Act 2011 s.28*
 - (f) There is no legislation which allows for the substitution of any Member of a committee or sub-committee.
2. **The statutory Annual Meeting:**
 - (a) in an election year shall be held on or within fourteen days following the day on which new councillors take office.
 - (b) in a year which is not an election year, the annual meeting of the Council shall be held on a day in May as the Council may direct.
 - (c) If no other time is fixed, the annual meeting of the council shall take place at 7.00 pm.
3. **A minimum of six additional meetings shall be held in each year.**
4. **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.**
5.
 - (a) **Full Council Meetings**
The minimum three clear days' notice of a meeting does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, as day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
 - (b) **Committee Meetings**
The minimum three clear days' public notice for a committee 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.

- (c) Councillors are expected to attend full Council meetings in smart dress appropriate to the occasion.
- (d) Apologies for absence must be submitted (either oral but preferably written) to the Town Clerk prior to the commencement of any meeting of the Town Council, Substantive Committee or working group.

EXTRAORDINARY MEETINGS

- 6. (a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- (b) Any business pertaining to an extra-ordinary meeting of the Town Council must be of relevance and within the remit of the Council.
- 7. **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 MEETING

- 8. **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. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- 9. **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- 10. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

PROPER OFFICER

- 11. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, whom shall be the Town Clerk and Responsible Finance Officer:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive apologies from elected Members prior to the commencement of all meetings of the Council.
 - (c) To receive and record notices disclosing interests at meetings.
 - (d) To receive and retain plans and documents.
 - (e) To sign notices or other documents on behalf of the Council.
 - (f) **To receive and retain Declarations of Acceptance of Office from Councillors (and affix with official seal).**
 - (g) **To receive and retain copies of bylaws made by other local authorities.**
 - (h) To certify copies of bylaws made by the Council.
 - (i) **To 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 at least 3 clear days before the meeting.**

- j) Upon the Council having first resolved that service of summons on Councillors confirming the time, date, venue and the agenda for a meeting by personal delivery or by post at their usual residence at least 3 clear days before a meeting is not expedient, such documentation shall be electronically served by email to Councillors via their Town Council supplied e-mail address provided any such email contains the electronic signature and title of the Proper Officer.
- (k) **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them.)**
- (l) **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 11 (h).**
- (m) Keep proper records of all Council meetings.
- (n) Retain written notes of all Council meetings until official notes are duly signed (produced as published minutes).
- (o) Record and publish all proposals pertaining to all resolutions of full Council and standing committee meetings.
- (p) Receive, respond and send general correspondence on behalf of the Council.
- (q) subject to standing order 58 below, consider dispensation requests before the meeting or at the start of the meeting for which the dispensation is required.

MINUTES

- 12. (a) **The minutes of all meeting shall record the names of Councillors present and absent.**
- (b) Apologies for absence with valid reasons should be submitted to the Town Clerk prior to the commencement of the meeting.

NOTES OF MEETINGS

- (b) If the notes 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.
- (c) There shall be no discussion about notes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in such notes shall be moved in accordance with standing order 29(a) below.
- (d) The accuracy of notes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting, thereby becoming minutes that will stand as the accurate record of the meeting to which they relate.
- (e) 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 Mablethorpe & Sutton Town Council held on [insert date] in respect (*insert topic*) 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."
- (f) 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 shall be destroyed.

QUORUM OF THE COUNCIL

13. Seven members shall constitute a quorum at meetings of the Council. For a quorum relating to a committee or sub-committee refer to Standing Order 50.
14. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared interest falls below the quorum, 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

15. Members ***shall vote by show of hands*** or in ***a clear and demonstrative manner*** or if it is proposed, seconded and resolved, by signed ballot; all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
16. 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 must be made before moving on to the next business.
17.
 - (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
 - (2) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
 - (3) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

ORDER OF BUSINESS

(In an election year, Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of the Proper Officer previously authorised by the Council to take such declaration before the annual meeting commences.)

18. At each Annual Meeting the first business shall be:
 - (a) To elect a Chairman of the Council.
 - (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 election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - (d) To decide when any declarations 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-Chairperson (Deputy Mayor) of the Council.
 - (f) To appoint Members to the standing committees of the Council
 - (g) To appoint representatives to outside bodies.
 - (h) To consider the payment of any subscriptions falling to be paid annually and shall thereafter follow the order set out in Standing Order 21.
 - (i) To appoint Members to the Task & Finish groups and Working Parties.

19. **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.**
20. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
- (a) To read and consider the Minutes: provided that if 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 person presiding as a correct record.**
 - (c) **To deal with business expressly required by statute to be done.**
 - (d) To dispose of business, if any, remaining from the last meeting.
 - (e) To confirm and adopt (or otherwise) the minutes of committees.
 - (f) To receive and consider resolutions or recommendations in the order in which they have been notified and include the name of the proposer and seconder of such resolution or recommendation.
 - (g) To receive and record recommendations from other standing committees, working groups or responsible officer(s)
 - (h) Any other business specified in the summons.
 - (i) To receive such relevant communications as the person presiding may wish to lay before the Council.
 - (j) To authorise the signing of orders for payment.
 - (k) To receive and consider reports from officers of the Council.

RESOLUTIONS MOVED ON NOTICE

21. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least ten clear days before the next meeting of the Council.
22. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that they intend to move at some later meeting or that they withdraw it.
23. (a) A member (or members) will submit relevant written proposal(s) to the Town Clerk to enable inclusion on the agenda of the appropriate standing committee (Administration Committee, Personnel Committee, Planning Committee) giving at least ten days' notice.
- (b) The Member(s) name will be annotated on such agenda documentation
24. If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
25. 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 he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
26. Every resolution or recommendation shall be relevant to some subject over which the Council has a duty or power to act or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

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

- (a) To move to a vote
- (b) To appoint a Chairman of the meeting.
- (c) To correct the Minutes.
- (d) To approve the Minutes.
- (e) A motion to vary the order of business on the ground of urgency:
 - (i) may be proposed by the Chairman or by any member, and
 - (ii) if proposed by the Chairman, may be put to the vote without being seconded, and shall be put to the vote without discussion.
- (f) To proceed to the next business.
- (g) To close or adjourn the debate.
- (h) To refer a matter to a committee.
- (i) To appoint a committee or any members thereof.
- (j) To adopt a report.
- (k) To authorise the sealing of documents.
- (l) To amend a resolution.
- (m) To give leave to withdraw a resolution or an amendment.
- (n) To extend the time limit for speeches.
- (o) To exclude the press and public in accordance with the Public Bodies (Admission to Meetings) Act 1960 due to any confidential nature of the business to be discussed.
- (p) To silence or eject from the meeting any person (either elected Member or member of the public named for misconduct.
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) **To suspend any Standing Order, except those which are mandatory by law.**
- (s) To adjourn the meeting.

RULES OF DEBATE

28. 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.

- 29.
- (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 the Chairman before it is further discussed or put to the meeting.
 - (b) A Member when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.
 - (c) A Member shall direct their speech to the question under discussion or to a personal explanation or to a question of order.
 - (d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five 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 or add others
 - (iii) To insert or add words.
 - (f) An amendment shall not have the effect of negating the resolution 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, not exceeding five minutes.
 - (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 a closure.
 - (k) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by such Member which may have been misunderstood.
 - (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 leaves the meeting.
 - (vii) That the resolution be referred to a committee.
 - (viii) To exclude the public and press or both in accordance with the Public Bodies (Admission to Meetings) Act 1960 due to any confidential nature of the business to be discussed.
 - (ix) To adjourn the meeting.
30. A Member shall stand when speaking at full meetings of the Town Council (including extra ordinary meetings) unless permitted by the Chairman to sit on account of infirmity or other reason.
31. A Member is not required to stand when speaking at standing committee meetings of the Town Council (i.e., the Administration Committee, Personnel Committee and Planning Committee).
32. (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 indicate, the Chairman shall call upon them to rise and speak in order and all others shall remain seated.
- (d) Whenever the Chairman speaks to explain standing orders during a debate all other Members shall be seated and silent.
- (e) Should the Chairman rise, the room shall be seated (except for the Town Clerk) and remain silent.

CLOSURE

33. 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 motion is seconded the Chairman shall put the motion to the Council, but in the case of a motion “that the question be now put”, only if the Chairman is of the opinion that the question before the Council has been sufficiently debated will the Chairman put the motion to the Council. If the motion “that the question be now put” is carried, the Chairman shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after that 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.

(Note: Where a meeting is adjourned, the subsequent proceedings are part of the original meeting, and no new notices or agendas need to be issued except a notification to Members not present on the date of the continuation of the meeting).

DISORDERLY CONDUCT

34. (a) Members of the Public:

No person or persons 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 or persons to moderate or improve their conduct.

If a person or persons 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. 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 to progress the meeting. This may include temporarily suspending or closing the meeting.

b) Elected Members;

No Member shall, at a meeting, persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**

- (c) i If, in the opinion of the by way of a majority vote of the Members present at a full or extra ordinary meeting of the Council, a Member (Councillor) or member of the Public has broken the provisions of paragraph (b) of this order, the Chairman and / or Vice 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 forth with and without discussion.
- ii unless the item is resolved; or
- iii for the rest of the meeting
- (d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

35. 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

36. A Member may, with the consent of their seconder, move amendments to their own resolution.

RESCISSION OF PREVIOUS RESOLUTION

37. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least twelve Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a substantive 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

38. Where 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 (greater than 50% of the valid voters cast) 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

39. 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 Personnel Committee (as the case may be) has decided whether or not the press and public shall be excluded using power to exclude the press and public in accordance with the Public Bodies (Admission to Meetings) Act 1960 due to any confidential nature of the business to be discussed.

RESOLUTIONS ON EXPENDITURE

40. Any resolution which is moved otherwise than in pursuance of a recommendation of the Administration Committee or of another committee after recommendation by the Administration 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 Town Council, and any committee affected by it shall consider whether it desires to report thereon, and the Administration Committee shall review and report on the financial aspect and implication of the matter.

EXPENDITURE

41. **Orders for payment of money shall be authorised by resolution of the Council.**
42. **The Council's financial regulations shall be reviewed once a year.**
43. **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

SEALING / SIGNING OF DOCUMENTS

44. (a) **A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution** (except for provision 11(f) above).
- (b) **In accordance with a resolution made under standing order 45(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 members of the Council who shall sign the deed as witnesses.**
- (c) **A document shall not be signed on behalf of the Council by an individual (Chairman / Vice Chairman / Elected Member) unless its signing has been authorised by a resolution.**

COMMITTEES AND SUB-COMMITTEES

45. The Council may, at its Annual Meeting, appoint Substantive Committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
 - (b) all members shall be appointed to serve on at least one substantive committee.
 - (c) may appoint persons other than members of the Council to any committee or sub committee.
 - (d) may subject to provisions of Order 45(a) above at any time dissolve or alter the membership of committees / sub committees.
 - (e) Shall appoint a minimum of 12 Councillors (plus the Chairman / Deputy Chairman of the council) (i.e., maximum of 14 per committee).
 - (f) Shall appoint a maximum of no more than 6 (i.e., 50% (rounded down) minus 1) Councillors (including the Chairman / Deputy Chairman of the Council) (i.e., maximum of 8 elected Members) per sub-committee.
 - (g) During their term of office, the Member appointed as the Vice-Chairman of the Council (at the first annual meeting of the Council) shall be the Chairman of one of the substantive committees (i.e., Administration, Personnel or Planning) indicating their preference between the AGM and the first meeting of the substantive committee and by informing the Town Clerk.
46. a) **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, and shall adopt its programme of meetings for the year.**
- b) **The minimum three clear days' public notice for a committee 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.**
47. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time in accordance with standing orders. An additional 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 out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
48. a) Every committee may appoint sub-committee(s) subject to 45(e) above.
- b) Task & finish groups or working groups will be appointed by the Town Council for purposes to be specified only.
49. The Chairman and Vice-Chairman of the Council shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
50. (a) The quorum of a committee, working group or task and finish group shall be one half of its members with the exception of the Personnel Committee which shall be two thirds of its members and the Planning Committee which shall be one third of its members.
- (b) The quorum at any meeting shall **never be less than three** Members. [members in the context of working groups or task and finish groups means any member of such group, i.e., not limited to elected Members].
- (c) Sub-committees, working groups and their members (either elected Members, members of the public or representatives of other Authorities or organisations) have **no authority** to incur expenditure or deliver any project, event or service on behalf of the Town Council or make any representation on behalf of the Town Council (either directly or indirectly) in any way without prior acceptance and agreement from either its parent committee (subject to ratification by full Council) or the Town Council.

- 51 (a) The Standing Orders on rules of debate (except those parts relating to standing) and the Standing Order on interests of Members in contracts and other matters shall apply to committee meetings.
- (b) Where a matter requires urgent consideration and agreement by an internal committee, the Town Clerk will make every effort to advise Members of that committee of the urgent business and shall record the methods used to contact absent Members in the committee notes.

VOTING IN COMMITTEES

- 52 (a) Members of committees ***shall vote by show of hands*** or in ***a clear and demonstrative manner*** or if it is proposed, seconded and resolved, by signed ballot; all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- (b) **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 must be made before moving on to the next business.**
53. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

54. A Member who has proposed an agenda item which has been referred to any committee of which he is not a member, may explain their resolution (where normal rules of debate will apply) to the committee but shall not vote. Non-committee members may speak on any item of particular interest by consent of the Chairman.

CODE OF CONDUCT, INTERESTS & DISPENSATIONS

55. **If a member has a pecuniary interest as defined by the Code of Conduct (Appendix A) adopted by the Council on 31st October 2022 which has not been previously declared in the members Register of Interests, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
56. **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.**
57. **Under the Code of Conduct adopted by the Council on 31st October 2022 and pursuant to relevant provisions in a code of conduct in force at the time, Councillors may exercise the rights contained in standing order 59 below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
58. **Members with a pecuniary interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
59. (a) **Dispensation requests shall be in writing and submitted to the Proper Officer (Town Clerk) as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- (b) A decision as to whether to grant dispensation shall be made by the Proper Officer and that decision is final.
- (c) A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest.
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and vote (in respect of precept / budget items).
- iii. the date of the meeting or the period (not exceeding 4 years in respect of precept/budget items) for which the dispensation is sought
- iv. an explanation as to why the dispensation is sought.

(d) A dispensation may be granted in accordance with standing order 58 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;**
- ii. **granting the dispensation is in the interests of persons living in the Councils area;**
- iii. **it is otherwise appropriate to grant a dispensation.**

60. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.

61. If a candidate for any appointment under the Council is, to their knowledge, related to any Member of or the holder of any office under the Council, they, and the person to whom they are related shall disclose the relationship in writing to the Town 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, this Standing Order shall apply. The Clerk shall make known the purpose of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

62. (a) Canvassing of Members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.

(b) A Member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

63. Standing Order number 61(a) and 61(b) shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

64. A Member may for the purpose of their 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.

65. (a) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

(b) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the public.

UNAUTHORISED ACTIVITIES

66. No Member of the Council or of 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.
 - (b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.
 - (c) Use an email account other than the one supplied by the Town Council to deal with any Town Council related correspondence, business, or activity (including the receiving/sending of emails to members of the public, contractors, staff members or other elected Members in reference to the Town Council) at any time.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

67. (a) **Meetings shall be open to the public and press 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 the following resolution which shall give reasons for the public's exclusion.**
- "To resolve to move into closed session in accordance with the Public Bodies (Admission to Meetings) Act 1960, due to the confidential nature of business to be discussed".
- (b) The Council, committee or sub-committee shall state the special reason for exclusion.
68. **The recording of Council and Parish Meetings is permitted under the Openness of Local Government Bodies regulations 2014 but the recordings will be carried out in accordance with the separate Recording of Meetings Policy (as adopted) by Mablethorpe & Sutton Town Council to effectively and lawfully manage this activity.**
69. **In accordance with standing order 66 above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
70. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
71. Members of the public may speak and make representation to the Council or any committee in accordance with the procedure adopted by the Council for public speaking at meetings.

CONFIDENTIAL BUSINESS

72. (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 sub-committee as the case may be.
- (b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be suspended from any committee or sub-committee of the Council by resolution of the Council following the direction of the Dignity at Work policy and Grievance policy as adopted. In all cases the Monitoring Officer shall be informed / consulted.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

73. A notice of meeting and agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor(s) covering the parish and to the District Councillors for the district wards.

74. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require (except where such letters are routine matters of report or complaint).

FINANCIAL CONTROLS AND PROCUREMENT

75. 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 £60,000 or 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) 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. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - iv. 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;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e) 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. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

- iv. 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;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- f) The Town Council shall consider and approve financial regulations drawn up by the Town Clerk & RFO (as adopted and annexed to this document), which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal control.
 - 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 Councils accounts and / or orders of payments.
 - v. procurement policies (subject to standing order 75(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £5,000.
- g) ***Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.***
- i. Where the value of a contract is expected to exceed the relevant threshold
 - ii. currently in force, the full requirements of the 2023 Act and the procurement Regulations 2024 must be followed when carrying out the procurement. A council can be challenged in court if it fails to comply with the rules. In most situations, a council is legally obliged to use a competitive tendering process to award a contract above the relevant threshold.
 - iii. The thresholds below apply to councils from 1 January 2026 to 31 December 2027: £207,720 including VAT when procuring goods or services, or £5,193,000 including VAT for public works (construction).
 - iv. "Works" are defined in Schedule 3 of the Procurement Regulations 2024 and include construction, demolition, earthworks, repair, restoration, refurbishment, installation of equipment and the work of tradespeople such as plasterers, carpenters and glaziers.
 - v. Where a contract is below the "works" threshold and includes a mixture of works and goods or services, the council must consider whether the goods or services could be supplied under a separate contract. If they could and the value of that contract would exceed the "goods and services" threshold, the council must follow the rules in Section 5 of the 2023 Act to determine whether the whole contract should be treated as an above-threshold contract.
 - vi. For a contract that will run for several years, the total value over the life of the contract (not the annual value) is used to determine whether the contract exceeds the relevant threshold. This must include anything that would potentially become payable because of an option in the contract to extend or renew it without competition. For example, if a three-year contract has the option of a two-year extension, the estimated value should be the amount payable over the five-year period.

- h) Councils must not deliberately underestimate the value of contracts or artificially split them to avoid following the rules.
- i) **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 thresholds determined by Government shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations 2020 (2020 Statutory Instrument).**

GENERAL POWER OF COMPETENCE

- 76. (a) Before exercising the general power of competence (GPC), a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible town council.
- (b) The Council's period of eligibility begins on the date that the resolution under standing order 76(a) above was made and expires on the day of the annual meeting of the Council that takes place in a year of ordinary elections.

FREEDOM OF INFORMATION ACT 2000

- 77. (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- (b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Clerk to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 78(a) above.

RELATIONS WITH THE PRESS / MEDIA

- 78. (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and / or other media.
- (b) In accordance with the Council's policy in respect to dealing with the press and / or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.
- (c) In accordance with the Councils Publicity and Events in the Pre-Election Period Guidance Policy (Purdah), Councillors shall adhere to this guidance during any qualifying election period.

CODE OF CONDUCT ON COMPLAINTS

- 79. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in the Council's adopted complaints policy or, in the case of a member failing to abide by the Localism Act 2011 (s.34) in respect of interests as defined by s.31(4) or s.31(2) & (3) or s.34(2) of the 2011 Act through the criminal court process.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

82. A copy of these Standing Orders shall be given to each Member by the Clerk upon receipt of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

DISCRIMINATORY LANGUAGE STATEMENT.

Mablethorpe and Sutton Town Council is aware of its responsibility to avoid discriminatory language and is committed to treat everyone equally and with courtesy.

Elected Members are instructed, to avoid using language that may even appear to be either discriminatory, or that may gratuitously give offense in any verbal or written communication.

Therefore, the Town Council endeavours to ensure all published documentation is written 'gender neutral' wherever possible. Any gender specific references in bold typeface within this document are terms set out in law and cannot be altered and must be published as written in statute.

The Town Council has adopted a Protective Characteristics Statement to cover such incidents.