

PART TWO
Model Standing Orders for Local Councils

WESTHOUGHTON TOWN COUNCIL STANDING ORDERS

ADOPTED ON

Signed:..... Chairman

Signed: Clerk

How to use model standing orders

Standing Orders for the organisation and transaction of Council's business are decided by full Council.

In this document the model standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. It is recommended that a Council adopts the model standing orders in bold type in their current form because these reflect statutory requirements. If a Council wants to slightly alter the wording of the model standing orders in bold type, any such amendments must not have the effect of undermining, overriding or conflicting with statutory requirements.

Model standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at (i) highlighting matters that merit regulation by standing orders and (ii) encouraging use of standing orders to regulate routine administrative arrangements. They may be adapted in their current form but are more likely to require adapting or supplementing to suit a Council's particular needs.

Once again, a Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

- Some model standing orders indicate by use of '()' that information must be inserted before being adopted.
- Some model standing orders indicate by use of the term 'OR' that an alternative option may apply.

Part Two does not include financial regulations, namely a comprehensive set of regulations for dealing with a Council's financial affairs and accounting procedures. Any reference in *this* document to financial regulations is a reference to a Council's standing orders for the regulation of its financial affairs.

INDEX OF MODEL STANDING ORDERS

Standing Order	Page
1. Meetings	3
2. Ordinary Council Meetings	5
3. Proper Officer	7
4. Motions requiring written notice	8
5. Motions not requiring written notice	9
6. Rules of debate	10
7. Code of Conduct	12
8. Questions	13
9. Minutes	13
10. Disorderly Conduct	13
11. Rescission of a previous resolution	14
12. Voting on appointments	14
13. Expenditure	14
14. Execution and sealing of legal deeds	14
15. Committees	15
16. Sub-Committees	15
17. Extraordinary Meetings	15
18. Advisory Committees	15
19. Accounts and Financial Statement	16
20. Estimates/Precepts	16
21. Canvassing of and recommendations by Councillors	16
22. Inspection of Documents	17
23. Unauthorised activities	17
24. Confidential business	17
25. General Power of Competence (Localism Act 2011)	17
26. Matters affecting Council Employees	17
27. Freedom of Information Act 2000	18
28. Relations with Press/Media	18
29. Liaison with District Councillors	18
30. Financial Matters	19
31. Allegations of breaches of the Code of Conduct	20
32. Variation, revocation and suspension of Standing Orders	20
33. Standing Orders to be given to Councillors	20
34. Review of policies and documents	20
35. Planning Applications	21
36. Standing Orders for Annual Town Meetings	21

1. MEETINGS

Mandatory for full Council meetings *

Mandatory for committee meetings *

Mandatory for 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) **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.** *
- c) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.** *
- d) **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:**
 - 1) **film, photograph or make an audio recording of a meeting;**
 - 2) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**
 - 3) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting** *
- e) **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.** *
- f) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.** *
- g) **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.** *
- h) **Subject to model standing order 1 (p) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.** *

- i) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)** *
- j) **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. *
- k) **The minutes of a meeting shall record the names of councillors present.** *
- l) If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- m) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.** *
- n) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
(See also standing order 7 below.) *
- o) **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 6.** *
- p) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting. *
- q) **INVOLVEMENT OF THE PUBLIC**
At 7.00 p.m. at Town Council Meetings and at 7.00 p.m. at Planning and Finance & General Purposes Committee Meetings, there will be a Public Question Time which will relate to Town Council activities and items within its powers, and shall take place as follows:
 - (a) The Town Council will only discuss Town Council activities and items within its powers
 - (b) It shall not exceed 20 minutes, unless extended at the Chairman's discretion.
 - (c) During this time any elector of Westhoughton after giving their name and address may ask a question through the Chairman.
 - (d) A group of residents/residents' committee asking a question/s may or shall appoint a spokesperson and the question/s shall be put by the individual or spokesperson.

- (e) It shall not exceed 5 minutes maximum per person.
- (f) The Chairman may disallow or stop any question which is in his opinion scurrilous, improper, irrelevant or objectionable.
- (g) The question/s shall then, without discussion be deferred to the next meeting of the Council or committee

or

If the question/s relates to an item on the current Agenda, may be discussed and answered with the Agenda item.

- (h) An answer may take the form of
 - (1) An oral answer, if the question relates to the current Agenda, or reply in writing.
 - (2) A written reply and answer in response to a written question
- (i) When a question/s has been answered, no similar questions, relating to the same matter, will be discussed for a further 6 months
- (j) If no members of the public are present to ask questions, then the Council shall proceed with the normal business of the meeting.
- (k) Deputations and petitions may be received at any meeting of the Town Council other than the Annual Meeting as follows:
 - (a) Notice of the subject involved must be submitted to the Clerk in writing 7 days before the meeting.
 - (b) A deputation shall not exceed five in number, only one of whom shall be permitted to speak and the speech shall not exceed 10 minutes duration.
 - (c) The matter shall then, without discussion, be deferred to the next meeting of the Council or committee.

2. ORDINARY COUNCIL MEETINGS

See also standing order 1 above

- a) In an election year, the annual meeting of the Council shall be held on the second Monday in May or within 14 days following the day on which the new councillors elected take office.** *
- b)** After an election or bye-election, elected councillor/s must make the Declaration of Acceptance of Office in the presence of the Town Clerk/Proper Officer before the first meeting, unless at the first meeting, the Council permits the declaration to be made at or before a later meeting.

- c) **In a year which is not an election year, the annual meeting of a Council shall be held on the second Monday in May.** *
- d) **If no other time is fixed, the annual meeting of the Council shall take place at 7pm.** *
- e) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on the last Monday in the months of July, October and January.** *
 Eight additional meetings shall be held on the last Monday in the months of June, August, September, November, December, February, March and April, except when the date falls on a Bank Holiday, in which case the date may be altered at the discretion of the Council.
- f) **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.** *
- g) **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.** *
- h) **The Vice-Chairman of the Council, 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.** *
- i) **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.** *
- j) **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.** *
- k) **At the Annual Meeting, the Town Mayor and the Deputy Town Mayor shall make the special Town Council Declaration of Acceptance of Office**
- l) **Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the business shall be as follows if appropriate:**
 - i. **In an election year, delivery by councillors of their declarations of acceptance of office, if not already executed prior to the meeting**
 - ii. **Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.**

- iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- iv. Review of the terms of references for committees.
- v. Receipt of nominations to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- vii. Adoption of appropriate standing orders and financial regulations.
- viii. Review of representation on or work with external bodies and arrangements for reporting back.
- ix. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- x. Review of the Council's and/or employees' memberships of other bodies.
- xi. Setting the dates, times and place of ordinary meetings of the full Council and the Planning and Finance & General Purposes Committee for the year ahead.
- xii. Review Annual Subscriptions.
- xiii. Appoint signatories for the Town Council Accounts

3. PROPER OFFICER

- a) The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b) The Council's Proper Officer shall do the following:
 - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.** *
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).** *
 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
 - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.** *
 - v. Make available for inspection the minutes of meetings.
 - vi. **Receive and retain copies of byelaws made by other local authorities.** *

- vii. **Receive and retain declarations of acceptance of office from councillors.** *
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be sealed using the Council's common seal OR to be signed by 2 councillors and witnessed .
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in the minute book.
- xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council OR the Chairman or in his absence Vice-Chairman of the Planning and Finance & General Purposes Committee within 2 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 OR Planning and Finance & General Purposes Committee.
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. MOTIONS REQUIRING WRITTEN NOTICE

- a) In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.
- b) The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

- c) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e) Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 MOTIONS NOT REQUIRING WRITTEN NOTICE

- a) Motions in respect of the following matters may be moved without written notice:
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.

- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds to be sealed by the Council's common seal OR signed by two councillors and witnessed.
(See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to £500.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law. ***
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors relating to an agenda item.

- b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. RULES OF DEBATE

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b) Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c) Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f) Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.

- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i) Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j) Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o) Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p) During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q) A point of order shall be decided by the Chairman and his decision shall be final.
- r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

- s) Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t) In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7. CODE OF CONDUCT (ENGLAND)

- a) **All councillors shall observe the code of conduct adopted by the Council.** *
- b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) **Councillors with a disclosable 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.** *
- d) Members must complete the Register of Members' Interests Form and return it to the Town Clerk within 28 days of his/her election.
- e) Members must within 28 days of receiving any gift or hospitality, inform the Town Clerk who will register the gift or hospitality in a special book.

8. QUESTIONS

- a) A councillor may seek an answer to a question concerning any business of the Council via an agenda item, provided 7 clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question shall be put and answered without discussion.

9. MINUTES

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
“The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- e) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10. DISORDERLY CONDUCT

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11. RESCISSION OF A PREVIOUS RESOLUTION

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. VOTING ON APPOINTMENTS

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13. EXPENDITURE

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) **The Council's financial regulations shall be reviewed once a year.** *
- c) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.** *

14. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing order 5(a)(xvi) above

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) **In accordance with a resolution made under standing order 14(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.** *
(The above is applicable to a Council with a common seal.)
OR
In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.] *
(The above is applicable to a Council without a common seal.)

15. COMMITTEES

See also standing order 1 above

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 21 days before the meeting that they are unable to attend;
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vi. may in accordance with standing orders, dissolve a committee at any time.

16. SUB-COMMITTEES

See also standing order 1 above

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17. EXTRAORDINARY MEETING

See also standing order 1 above

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.** *
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.** *
- c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d) If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by two councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

18. ADVISORY COMMITTEES

See also standing order 1 above

- a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19. ACCOUNTS AND FINANCIAL STATEMENT

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20. ESTIMATES/PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year at its meeting before the end of January.** *
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

21. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) A candidate for any appointment must disclose in writing to the Clerk any relationship to a member or Officer of the Council. A candidate who fails to do so shall be disqualified and if appointed, may be dismissed without notice.
- d) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

- 22. INSPECTION OF DOCUMENTS**
- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors. The Town Clerk shall refer any vexatious requests for additional copies of documents to the Town Council.
- 23. UNAUTHORISED ACTIVITIES**
- a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
- 24. CONFIDENTIAL BUSINESS**
- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- 25. GENERAL POWER OF COMPETENCE (LOCALISM ACT 2011)**
- a) **Before exercising the General Power of Competence, 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 parish council.** *
- b) **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.** *
- c) **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.** *
- 26. MATTERS AFFECTING COUNCIL EMPLOYEES**
- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council, Committee or Sub-Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

- b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Leader of the Council, the Chairman of the Council or, in his absence, the Vice-Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to Council at its next meeting.
- c) Grievance matters shall be handled in accordance with the Council's Grievance Procedure Policy.
- d) Disciplinary matters shall be handled in accordance with the Council's Disciplinary Procedure Policy.
- e) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- f) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- g) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- h) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(e, (f) and (g) above if so justified.
- i) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Proper Officer or the Leader of the Council.

27. FREEDOM OF INFORMATION ACT 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the 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 3(b)(x) above.

28. RELATIONS WITH PRESS/MEDIA

- a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy, in respect of dealing with the press and/or other media, if a policy exists.

29. LIAISON WITH DISTRICT COUNCILLORS

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Bolton Metropolitan Borough Councillors for the Westhoughton South, and Westhoughton North and Chew Moor Wards.

30. FINANCIAL MATTERS

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £2,500
- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £2,500 shall be procured on the basis of three quotations or a formal tender as summarised in standing order 30(c) below.** *
- c) Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e) **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.** *
- f) Grants will be considered in accordance with the Town Council Grant Application Policy

31. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Bolton Council Monitoring Officer.
- b) The Bolton Council Monitoring Officer/Standards Committee has the power to:
 - i. seek documentary and other evidence.
 - ii. seek any information relevant to the complaint;

32. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall be proposed by a special written notice which bears the name of at least three Councillors.

33. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b) The Chairman's decision as to the application of standing orders at meetings shall be final.
- c) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

34. REVIEW OF POLICIES AND DOCUMENTS

The following policies and documents shall be reviewed annually:

- i. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ii. Review of the Grievance Procedure Policy.
- iii. Review of inventory of land and assets including buildings and office equipment.
- iv. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- v. Review the Council's Complaints Procedure.
- vi. Review the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- vii. Review the Health & Safety and Fire Safety Policy.
- viii. Review of the Anti-Harassment Policy.
- ix. Review the Risk Assessment.
- x. Review of the Disciplinary Procedure Policy.
- xi. Review of Internal Audit Procedures.
- xii. Review of the Equalities Duties Policy.
- xiii. Review of the First Aid at Work Risk Assessment.

35. PLANNING APPLICATIONS

- a) The Clerk shall, as soon as it is received, place in a file kept for the purpose, a copy of every list of Planning Applications notified to the Council.
- b) The Clerk shall transmit a copy of every list of Planning Applications received to every member of the Council with the Agenda for the meeting.
- c) During the discussion of the Planning Applications at any meeting of the Council, any elector of Westhoughton shall have the opportunity to make an oral comment on an application by which he is directly affected as follows:
 - (1) The Clerk must be notified before the meeting as to the application on which a comment is to be made and the substance of the comment.
 - (2) The comment must not last longer than 3 minutes.
 - (3) The interrogation/cross questioning of the Planning Officer/Staff will not be allowed.
 - (4) After the comment has been made, the elector may make no further comment, except when the Chairman considers it appropriate.
 - (5) There shall not be more than 5 comments on any one application, except if the Chairman considers it appropriate.

36. STANDING ORDERS FOR ANNUAL TOWN MEETINGS

- a) **Proceedings shall not begin before 6.00 p.m.** *
- b) **The Chairman of the Council (the Town Mayor) shall preside.** *
- c) **If the Chairman is absent, the Vice-Chairman (the Deputy Town Mayor) shall preside.** *
- d) If the Chairman and Vice-Chairman are absent, the meeting shall appoint a Chairman before it proceeds to any other business.
- e) The Clerk shall record the proceedings of Town Meetings.
- f) If the Clerk is absent, the person presiding at the meeting may record the proceedings or may appoint another to do so.
- g) As soon as the chair has been filled and provision made for recording the proceedings, the minutes of the previous meeting shall be read, considered and if correct, signed by the person presiding at the meeting.

- h) After the minutes have been signed, the order of business at the Annual Town Meeting shall be as follows:
- i. To receive the Annual Report of the Council.
 - ii. To receive the audited or unaudited statement of the Town Council's accounts for the year ended the previous 31st March, provided that these have been prepared by the Town Clerk/Responsible Financial Officer.
 - iii. To consider resolutions of which written notice has been given
 - iv. Adjournment to allow Public Question Time