



## **CONSTITUTION & COMMITTEE TERMS OF REFERENCE**

### **1. INTRODUCTION**

- 1.1 Local Councils are not required by law to adopt a constitution. However, many councils recognise that it is a valuable document which helps everyone understand how they are set up, how they make decisions, how they are financed, how they are governed, the roles of members and officers and what services they provide to the community.
- 1.2 Stanley Town Council has decided to adopt a Constitution for the reasons outlined above. It is a living document, which is regularly reviewed and confirmed at each Annual General Meeting. It contains details of who or what body, within the Council, can make various decisions. It contains procedural rules which apply to the conduct of meetings of the Full Council and its Committees (Standing Orders). It also contains guidance to ensure the sound management of the Council's financial affairs and rules that apply to the letting of contracts for the ordering of goods, works and services (Financial Regulations; Standing Orders Relating to Contracts). In addition, it includes a number of other policies and procedures which assist in the efficient management of the Council.

### **2. BACKGROUND - GENERAL**

- 2.1 In County Durham there is only one principal authority, Durham County Council, which is responsible for all major services, including Education, Housing, Social Services, Highways, Planning, Refuse Collection etc. The Council was created on 1 April 2009 following the abolition of the seven existing District Councils. Full details of County Council services are provided on their website.
- 2.2 In addition to the County Council there are over 150 parish and town councils, which are the first tier of local government. Like all Councils, they are created by statute and may provide a range of services primarily aimed at improving amenity in the areas they serve. However, the Localism Act 2011 introduced a general power of competence for certain qualifying councils. There are very few

legal duties on local councils but they have a wide range of powers, and details are provided in Appendix 1.

## **5. HOW THE COUNCIL IS FUNDED**

### **5.1 How the Town Council is funded**

Local Councils are funded primarily from Council tax contributions made by local residents. They also at present receive a grant from Durham County Council under the Local Council Tax Reduction Scheme (which was implemented when Council Tax benefit was abolished in 2012 to make up the shortfall in revenue). The size of the grant from Durham County Council is reducing over time and must be expected to disappear completely in the future. The Town Council receives no contributions from Business Rates.

### **5.2 The Parish Precept**

The name given to the Council tax which is collected for the Town Council is the 'precept'. The Town Council calculates its budgetary requirement in January each year and issues a 'demand' (this is a legal term, it's not an actual demand) to the County Council to collect the required amount of Council Tax from residents to raise the required budget.

### **5.3 How is the precept calculated?**

In December each year, the County Council advises each Town and Parish Council what their 'tax base' is. The tax base is a figure that is calculated by taking the total number of properties in the area which are liable to pay Council tax and converting them to a number of 'Band D' equivalents. This is done using a formula which expresses each band in ninths. For example, a Band A property is 6/9 of a Band D, a 'Band D' property is 9/9 and a band H property is 18/9. The total budget requirement of the Town Council is then divided by the tax base to give the cost per 'Band D' property.

5.4 The Civic Hall generates income in the form of hire charges, ticket, coffee shop and bar sales arising from bookings at the Hall.

5.5 The Town Council receives no grant of any sort from Central Government.

## **6. THE COUNCIL**

6.1 The Council comprises twenty Councillors who are elected in May every four years by the electors of the town council area. Councillors have an over-riding duty to the whole community, but have a special duty to the residents of the Ward that they represent.

6.2 The Council area is made up of seven Wards, each electing a number of Councillors as follows:

Annfield Plain Ward	3 Councillors
Catchgate Ward	2 Councillors
Craghead & South Stanley Ward	2 Councillors
Havannah Ward	3 Councillors
Stanley Hall Ward	4 Councillors
South Moor Ward	3 Councillors
Tanfield Ward	3 Councillors

6.3 The Council is committed to making a positive difference to the local community that it represents. It aims to be a modern, forward-thinking and effective local decision maker, and acts as a focus - a “sounding board” - for local opinion providing a way to get things done which best suits the needs of the local community. It does this by recognising it can’t do everything itself, and works with other agencies (such as the Police), local voluntary organisations and other tiers of government with the aim of improving local services and amenities. This may include the Council providing services and taking a stake in land/or property assets.

6.4 Only the full Town Council has authority to make decisions on behalf of the residents of Stanley. It can, however, delegate some decisions to Committees, Sub-Committees and the “Proper Officer” (the Town Clerk) to enable it to operate more effectively.

## **7. HOW THE COUNCIL OPERATES**

7.1 Under Schedule 12, Part II of the Local Government Act 1972 the Council must hold an annual general meeting and at least three other meetings in any year. A Chairman of the Council must be elected at each Annual General Meeting and serves for a period of one year until the next Annual General Meeting. The Town Mayor, if present, must preside at all meetings of the Full Council or, in his/her absence, the Deputy Town Mayor will preside.

7.2 The Council itself can make all of the policy and other decisions within the powers given to local councils by law. However, under Section 101 (1) of the Local Government Act 1972, it can also establish Committees and Sub-Committees to make decisions on issues specifically delegated by the Council, or only to make recommendations on these issues, or a combination of both. Chairs of any Committee established are also elected at the Annual General

Meeting, although the Chair of any Sub-Committee or Working Group is elected by that particular body.

7.3 The following matters cannot be delegated to a Committee, Sub-Committee or Officer of the Council:

- ✓ The borrowing of money.
- ✓ The setting of a precept.
- ✓ The disposal of land, other than lettings for two years or less.
- ✓ The introduction of new major policy or a material change in the Council's established policy.
- ✓ The making of bye-laws.
- ✓ The purchase of land not provided for, or at a cost in excess of a sum previously allowed for.

7.4 Stanley Town Council has two established Committees to make decisions and recommendations regarding the policies and services it provides. Details of the scheme of delegation are given in Appendix 2 below. The current Committees are:

- ✓ Projects and Initiatives Committee
- ✓ Finance and Governance Committee

The Town Council is a statutory consultee on Planning Matters. Any Planning matters which two or more members which to be discussed by the Council are dealt with by the Full Council.

7.5 The Council, or any of the above Committees, may appoint sub-committees or working groups to consider issues delegated to them by the parent committee.

7.6 The Council meets on the 4th Tuesday of every month (excluding August and December) and its Committees meet in accordance with the agreed Schedule of Meetings. Meetings are open to the public and press, although there may be occasions when matters need to be discussed in private and the press and public will be excluded.

7.7 The Council is required by law to appoint a "Proper Officer" and a "Responsible Financial Officer". It has the power to appoint any additional staff required to deliver its programme. Stanley Town Council employs a Town Clerk who fulfils the role of both Proper Officer and Responsible Financial Officer.

7.8 Officers are employed to deliver the Council's services in line with the policies or direction determined by the Members at meetings of the Council and its Committees. They advise Members on policy issues and the statutory requirements the Council has to meet. In addition, the Town Clerk, as Proper

Officer, is by law required to undertake certain functions, both administratively and financially, and these are detailed in Appendix 4.

## **8. Role of Members and Officers**

- 8.1 To ensure good governance and the effective running of the Council it is important to understand the respective roles of Members and officers. They are both servants of the public, and they are indispensable to one another, but their responsibilities are distinct.
- 8.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body. Their job is to give advice to both individual Members and to the Full Council, and to carry out the Council's work under the direction and control of the Council and its relevant Committees. It is also the role of the Proper Officer to ensure the Council does not do anything which it does not have the legal power to do.
- 8.3 Mutual trust and respect between Members and officers is essential.

### **Members**

- 8.4 Elected members have four main areas of responsibility:
- a) To determine council policy and provide community leadership;
  - b) To monitor and review council performance in delivering services;
  - c) To represent the Council externally; and
  - d) To act as advocates for their constituents.
- 8.5 In more detail, a Member should be concerned with most or all of the following:
- a) To be involved actively and constructively in the government of the Town;
  - b) To participate fully in the formation and scrutiny of the Town Council's strategies, policies, budgets and service delivery, including the Town Plan;
  - c) To ensure, with other Members, that the Town Council is properly managed;
  - d) To keep up to date with significant developments affecting local councils;
  - e) To be accessible to the electorate of the ward for which the Member is elected, to represent their views and to be receptive to complaints, questions and suggestions;
  - f) To represent the whole electorate and reflect their views in considering Council policies and actions;
  - g) To attend Council meetings;
  - h) To adequately prepare for Council meetings by reading reports and being properly informed on the matters to be discussed;

- i) To take part in meetings, form a view on what is best for the community and then abide by majority decisions taken;
  - j) To represent the Council on outside bodies;
  - k) To abide by the Council's Code of Conduct.
- 8.6 All Members have the same rights and obligations in their relationship with the Town Clerk and other officers, regardless of their status or political party and must be treated equally, subject to section 9 below.
- 8.7 Individual Members:
- a) **must not** involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and he/she will be acting on instructions from the Council or its Committees, within an agreed job description;
  - b) **do not have and cannot be given** any powers to make decisions on behalf of the Council, including decisions which result in financial commitments for the Council. This includes the Town Mayor although he/she does have personal responsibilities in connection with the running of formal meetings (see also Appendix 3).
- 8.8 All decisions taken by Councillors should be in the best interests of the people of the Stanley Town Council area.

## **Officers**

- 8.9 In general, it is the role of officers to provide information and advice to Members, and to implement policies agreed by the Council. The Town Clerk has the senior role in ensuring that Council decisions are implemented and the operation of the Council is effectively managed. His/her duties are wide and varied, some of which are statutory, and cover financial, legal, secretarial and administrative functions, as well as line managing the other officers. (see also Appendix 4).
- 8.10 Other officers carry out the duties as detailed in their job descriptions.
- 8.11 In giving advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her professional views and to make recommendations where appropriate. An officer may reflect on the views of individual Members on an issue, but the recommendations should be the officer's own. If a Member wishes to express a different view they must not pressurise the officer to make a recommendation contrary to the officer's view.

## **9. Political Groups**

- 9.1 The legal framework of Town and Parish Councils is such that only the Full Council has the authority to make decisions. However, Stanley Town Council recognises that the vast majority of Councillors who have been elected since the Council's formation have been members of a political party. As such, if there is a political group on the Council which comprises more than three members, the group may, upon service on the Town Clerk a notice signed by all members of the group confirming their intention to do so, appoint a Leader.
- 9.2 The role of the Leader will be to act as the conduit between the recognised political groups and the Town Clerk in agreeing business to be put forward to the agendas of Council and its Committees and to act as a spokesperson for the group in relation to political matters.
- 9.3 Where a political group has a majority on the Town Council, the Leader of that political group may use the style "Leader of Stanley Town Council"
- 9.4 The role of Leader is separate and distinct from the Town Mayor, which is a non-political, civic and administrative role. The two positions may not be concurrently held by the same member of Council.

## **11. The Town Mayor**

- 11.1 At the Annual General Meeting held on 16th May 2017, the Council resolved to adopt the style of Town Mayor and Deputy Town Mayor for the Chairman and Vice Chairman respectively.
- 11.2 The role of Town Mayor, as described by the Local Government Association's publication 'Preparing for the role of Civic Mayor', is:

*"The mayor is often seen as a symbol of an open society because the role is no longer restricted to an elite group within the population. The 'first citizen', as they are sometimes known, can come from any class, gender or ethnic background and has a key democratic role to play. After being chosen and appointed by fellow councillors, he or she must act as a politically impartial chairman of the council, making sure that proper conduct takes place in the council chamber during meetings. The civic mayor also has a duty and privilege to support local initiatives aimed at providing benefit to the council area and its diverse communities. In this role, the mayor can speak and act in multiple capacities, as ambassador, facilitator, promoter and encourager. This may involve highlighting relevant causes and helping members of the local*

*community to receive the recognition they deserve. However, it is probably the mayor's ceremonial role that most people are familiar with. Mayors are frequently invited to attend events in the community, such as openings and fundraising events organised by voluntary and charitable organisations. Fundraising events may also be held for charities that are chosen by the new mayor at the start of the civic year."*

## **10. Governance Documents**

9.1 The Council has a number of documents which set the environment in which the Council discharges its duties and powers. They are the internal rules, practical arrangements and processes which are essential to those who form and work for the Council. Members and officers should be able to demonstrate compliance with the governance documents in relation to all activities, decisions and decision making processes.

9.2 The governance documents are:

- ✓ The Constitution, including the Scheme of Delegation
- ✓ Standing Orders
- ✓ Financial Regulations
- ✓ Member Code of Conduct
- ✓ Budget
- ✓ Publications Scheme
- ✓ Complaints Procedure
- ✓ Gifts and Hospitality Policy
- ✓ Member/Officer Relations
- ✓ Bullying and Harassment Policy
- ✓ Grants Policy
- ✓ Whistleblowing Policy
- ✓ Anti-Fraud and Corruption Policy
- ✓ Child and Vulnerable Adult Protection Policy
- ✓ Health and Safety Policy
- ✓ Risk Management Strategy
- ✓ Media Policy, including Social Media
- ✓ Business Continuity Policy
- ✓ Data Protection Policy

9.3 Not all of these documents are currently in place and there may be others added to the list as time progresses. It is not the purpose of this part of the Constitution to repeat the content of these documents. However, they will be available from the Town Council when complete.



- 9.4 The documents will be kept under regular review and any amendments must be approved by the Full Council.

## APPENDIX 1

### LIST OF PARISH COUNCIL POWERS

Function	Powers & Duties	Statutory Provisions
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s. 57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34

Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92
	Duty on Parish Councils to consider crime reduction in every policy and action	s17 Crime and Disorder Act 1998 (as amended)
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Dogs	Power to make a Dog Control Order Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods and Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	<p>Power to maintain footpaths and bridle-ways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Powers to provide parking places for bicycles and motor-cycles, and other vehicles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes</p> <p>Power to provide traffic signs and other objects or devices warning of danger</p> <p>Power to plant trees and lay out grass verges etc. and to maintain them</p>	<p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss. 124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	<p>Provision of receptacles</p> <p>Power to take enforcement action against those that litter</p>	<p>Litter Act 1983, ss.5,6</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198

Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A

War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s. 133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
Well-Being	Power to well-being of the area (for eligible councils)	s2 and 4 of the Local Government Act 2000

## APPENDIX 2

### COMMITTEE STRUCTURE AND SCHEME OF COMMITTEE DELEGATION

1. **All Committees have the power to act immediately on all delegated decisions reached without waiting for endorsement by the full Council.**  
However, a Committee considering an item of business which they have a delegated power to make decision on may refer that item to Full Council for decision by resolution.
2. The Town Mayor and Deputy Town Mayor are ex-officio members of all Committees

#### **Projects & Initiatives Committee:**

3. PI1 – Communications and Events Committee (a Standing Committee) shall comprise up to a maximum of ten Members.

PI2 – The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.

PI3 - The quorum shall be three Members.

PI4 - The Committee is delegated with authority to pursue the following role and functions:

- a) To review and make recommendations on all aspects of communication involving the Council, with the aim of ensuring that the community is aware of the aims, policies and activities of the Council;
- b) To review and make recommendations on how information is to be circulated to all interested groups regarding the Council's activities;
- c) To review and make recommendations on how the Council may encourage feedback from the community to inform it on the need for policy changes and development;
- d) To review and develop initiatives to improve communications within the Council;
- e) To develop a policy for dealing with the media;
- f) To monitor and review the policy for the use of social media as a means of communicating with the community;

- g) To oversee the effectiveness of the Council's websites;
- h) To consider the options for delivering and/or supporting events in the communities of Stanley which may further the overall objectives of the Council;
- i) To oversee the operation, development and promotion of the Civic Hall;
- j) To submit to the Finance and Governance Committee bids for funds as part of the annual budget process;
- k) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.
- l) To keep under review the safety of the community within the Town Council area, and make recommendations to the Council on any matters involving community safety;
- m) To consider and develop initiatives involving the Council's partners aimed at reducing crime and helping make the community feel more secure;
- n) To review the issue of anti-social behaviour, particularly among the youth of the community, and consider how this may be addressed;
- o) To monitor and review arrangements relating to environmental issues, such as dog fouling, litter etc., with a view to developing initiatives to address the situation;
- p) To monitor the performance of any environmental improvement contracts and make recommendations to Council to improve their effectiveness
- q) To consider and make recommendations on how the community may be educated and informed on issues concerning the environment, crime and community safety;
- r) To create an effective partnership with other agencies involved in matters relating to the remit of the Committee;
- s) To submit to the Finance and Governance Committee bids for funds as part of the annual budget process;
- t) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.



## **Planning Committee**

4. PC1 - The Planning Committee (a Standing Committee) shall comprise all members of the Council.

PLC2 – The Committee shall meet at the discretion of the Chair of the Committee (The Town Mayor). In addition, any two members of the Committee (Full Council) may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.'

PLC3 - The quorum shall be three Members.

PLC4 - The Committee is delegated with authority to pursue the following role and functions:

- a) To formulate the Council's policies and case specific position relating to land use;
- b) To exercise the Council's legal right to act as a statutory consultee in the planning process;
- c) To make representations to the Local Planning Authority on any application referred to the Council and on any other planning matter that affects the Parish;
- d) To consider and respond to any strategic planning proposals by the principal authority;
- e) To comment on highways/footways issues that affect the Parish;
- f) To submit to the Finance and Governance Committee bids for funds as part of the annual budget process;
- g) To lead the Neighbourhood planning process on behalf of Council, including the establishment and oversight of any steering groups that may be required.
- h) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

## **Finance and Governance Committee:**

5. FG1 - The Finance and Governance Committee (a Standing Committee) shall comprise up to a maximum of ten Members.

FG2 – The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called

FG3 - The quorum shall be three Members.

FG4 - The Committee is delegated with authority to pursue the following role and functions:

- a) To make recommendations to the Council on the annual budget and precept (consistent with the Council's agreed priorities and policies);
- b) To receive from other Committees, and to collate prior to the submission to the Council, all bids for financial provision to be included in the annual revenue and capital budget relating to the work of the Committee;
- c) To formulate and present to the Council recommendations for annual expenditure and income;
- d) To oversee the Council's financial performance through the review of budget monitoring reports;
- e) To oversee the Council's Accounts;
- f) To oversee and control borrowing by the Council and the investment of funds within the Council's control;
- g) To make recommendations to the Council on the capital programme, its content, phasing and monitoring;
- h) To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts;
- i) To have the direction and control of insurance in respect of the Council's property, members, and employees;
- j) To provide efficient financial services and advice for the benefit of the Council;
- k) To monitor and make recommendations in relation to the process for applying for grant funding to support the Council's activities;
- l) To regularly review the Council's treasury management activities;
- m) To review proposed amendments to Financial Regulations before submission to the Council for approval;
- n) To periodically review risk;
- o) To monitor and approve payments;
- p) To receive and respond to internal and external audit reports;
- q) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

- r) To consider issues concerning the employment and salaries, terms and conditions of all staff and make recommendations to the full Council;.
- s) To consider issues concerning Council personnel policy and make recommendations to the full Council;
- t) To review the staffing structure and levels, and make recommendations to the full Council;
- u) To review health and safety at work for all Council employees.
- v) To ensure the Council complies with all legislative requirements relating to the employment of staff;
- w) To interview staff for appointments to the posts of Town Clerk, Civic Hall Manager or other posts graded between those levels, and make recommendations to full Council;
- x) To keep under review a system for regular staff appraisals;
- y) To have responsibility for the line management of the Town Clerk.

### **Grievance Panel**

7. The Grievance Panel is set up as part of the Council's Grievance Process. It will meet as and when required to hear grievances from officers of the Council. The Panel shall comprise three members who have undergone the necessary training in handling grievance matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will make recommendations on how the grievance may be resolved.

### **Disciplinary Panel**

8. The Disciplinary Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear reports prepared by an appropriate officer or other approved person following a disciplinary investigation, together with the response from the Council officer concerned. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will be required to make a decision as to what disciplinary action, if any, should be taken as a result of the hearing.

### **Appeals Panel**

9. The Appeals Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear appeals by Council officers against any decision made by the Disciplinary Panel. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel, or in the process prior to the hearing of the appeal. The decision of the Appeals Panel is final.

## **APPENDIX 3**

### **ROLE AND RESPONSIBILITIES OF THE TOWN MAYOR**

The main rules of law governing the role of the Town Mayor of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- that the Town Mayor must preside at a meeting of the parish council if he or she is present and;
- that it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

#### **It is the duty of the Town Mayor:**

“to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting”

*National Dwellings Society v Sykes (1894)*

#### **It is the Town Mayor's responsibility:**

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
  - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
  - (i) Declaring the result; and
  - (ii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

*“Knowles on Local Authority Meetings” (ICSA Publishing)*

#### **Voting**

During the meeting, if a vote on a matter is tied, the Town Mayor, or other person presiding, has a second or casting vote.

The Town Mayor's term of office continues until the appointment of a successor, other than where the Town Mayor resigns or is disqualified. This continuity also applies when the Town Mayor has not been re-elected following local elections. In this case, the Town Mayor does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

### **Outside of the Meeting**

The Chair:

- is the person to whom notice of resignation is given by other Councillors or the Town Clerk;
- may convene meetings of the Council (on proper notice to the Town Clerk);
- when attending ceremonial events, is the proper person to represent the parish;
- may receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the Council or through the delegation scheme, by one of its Committees or Sub-committees are to be taken by the Town Clerk.

The Chair may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Chair (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Chair) but that he or she must first bring the matter to the attention of the Chair and take into account the views of the Chair in coming to his or her decision.

It is also likely to be the case that the Chair will be the person whom the Town Clerk will approach;

- for information about the Council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.

Correspondence to and from the Council will normally be dealt with by the Clerk, not by the Chair.

## **APPENDIX 4**

### **SCHEME OF OFFICER DELEGATION**

#### **TOWN CLERK**

1. The Town Clerk shall be the Proper Officer in accordance with Section 112 of the Local Government Act 1972.
2. The Town Clerk shall be the Responsible Financial Officer in accordance with Section 151 of the Local Government Act 1972.
3. The Town Clerk is the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any statute.
4. As Proper Officer, the Town Clerk is specifically authorised to:
  - 4.1 Receive declarations of acceptance of office;
  - 4.2 Receive and record notices disclosing pecuniary interests;
  - 4.3 Receive and retain plans and documents;
  - 4.4 Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed reference Standing Order 22
  - 4.5 Receive copies of bye-laws made by a Primary Local Authority;
  - 4.6 Certify copies of bye-laws made by the Council;
  - 4.7 Sign summonses to attend meetings of the Council.
5. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - 5.1 The day to day administration of services, facilities and assets together with routine inspection and control;
  - 5.2 Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budgets;
  - 5.3 Authorisation of routine expenditure within agreed budgets;
  - 5.4 Emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services;
  - 5.5 To institute, defend and appear in any legal proceedings authorised by the Council;

- 5.6 To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Stanley);
  - 5.7 To agree the terms of any lease, licence, conveyance or transfer;
  - 5.8 Variations of restrictive covenants of a routine nature;
  - 5.9 The granting of easements, wayleave and licenses over Council land;
  - 5.10 To respond to planning applications on behalf of the Council, where, due to timescales the Planning Committee is unable to comment, provided that the Town Clerk has consulted with the Chair and Vice-Chair of the Committee. All members will receive details of planning applications which are dealt with under this delegation and may make comments;
  - 5.11 To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000;
  - 5.12 To arrange for interviews and appoint staff graded below the post of Civic Hall Manager to a vacant post in the staffing establishment where authority to recruit has been granted by Council;
  - 5.13 To take editorial decisions in relation to digital and printed media issued by the Town Council in accordance with any policies agreed by Council;
  - 5.13 Actions taken under delegated authority by the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement and this Scheme of Delegation and with directions given by the Council from time to time.
6. The Town Clerk shall also be the Responsible Financial Officer (RFO) to the Council under Section 151 of the Local Government Act 1972. The Town Clerk shall be the RFO for any purpose in which a Responsible Financial Officer is mentioned in any statute. The Town Clerk, as RFO, is specifically authorised:
- 6.1 To determine the Council's accounting system and the form of the accounts and supporting accounting records;
  - 6.2 To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting revisions to the Council for approval.



## **Constitution and Committee Terms of Reference**

### **1. INTRODUCTION**

- 1.1 Local Councils are not required by law to adopt a constitution. However, many councils recognise that it is a valuable document which helps everyone understand how they are set up, how they make decisions, how they are financed, how they are governed, the roles of members and officers and what services they provide to the community.
- 1.2 Stanley Town Council has decided to adopt a Constitution for the reasons outlined above. It is a living document, which is regularly reviewed and confirmed at each Annual General Meeting. It contains details of who or what body, within the Council, can make various decisions. It contains procedural rules which apply to the conduct of meetings of the Full Council and its Committees (Standing Orders). It also contains guidance to ensure the sound management of the Council's financial affairs and rules that apply to the letting of contracts for the ordering of goods, works and services (Financial Regulations; Standing Orders Relating to Contracts). In addition, it includes a number of other policies and procedures which assist in the efficient management of the Council.

### **2. BACKGROUND - GENERAL**

- 2.1 In County Durham there is only one principal authority, Durham County Council, which is responsible for all major services, including Education, Housing, Social Services, Highways, Planning, Refuse Collection etc. The Council was created on 1 April 2009 following the abolition of the seven existing District Councils. Full details of County Council services are provided on their website.
- 2.2 In addition to the County Council there are over 150 parish and town councils, which are the first tier of local government. Like all Councils, they are created by statute and may provide a range of services primarily aimed at improving amenity in the areas they serve. However, the Localism Act 2011 introduced a



general power of competence for certain qualifying councils. There are very few legal duties on local councils but they have a wide range of powers, and details are provided in Appendix 1.

### **3. HOW THE COUNCIL IS FUNDED**

#### **3.1 How the Town Council is funded**

Local Councils are funded primarily from Council tax contributions made by local residents. They also at present receive a grant from Durham County Council under the Local Council Tax Reduction Scheme (which was implemented when Council Tax benefit was abolished in 2012 to make up the shortfall in revenue). The size of the grant from Durham County Council is reducing over time and must be expected to disappear completely in the future. The Town Council receives no contributions from Business Rates.

#### **3.2 The Parish Precept**

The name given to the Council tax which is collected for the Town Council is the 'precept'. The Town Council calculates its budgetary requirement in January each year and issues a 'demand' (this is a legal term, it's not an actual demand) to the County Council to collect the required amount of Council Tax from residents to raise the required budget.

#### **3.3 How is the precept calculated?**

In December each year, the County Council advises each Town and Parish Council what their 'tax base' is. The tax base is a figure that is calculated by taking the total number of properties in the area which are liable to pay Council tax and converting them to a number of 'Band D' equivalents. This is done using a formula which expresses each band in ninths. For example, a Band A property is 6/9 of a Band D, a 'Band D' property is 9/9 and a band H property is 18/9. The total budget requirement of the Town Council is then divided by the tax base to give the cost per 'Band D' property.

3.4 The Civic Hall generates income in the form of hire charges, ticket, merchandising and bar sales arising from bookings at the Hall.

3.5 The Town Council receives no grant of any sort from Central Government.

### **6. THE COUNCIL**

6.1 The Council comprises twenty Councillors who are elected in May every four years by the electors of the town council area. Councillors have an over-riding duty to the whole community, but have a special duty to the residents of the Ward that they represent.

- 6.2 The Council area is made up of seven Wards, each electing a number of Councillors as follows:

Annfield Plain Ward	3 Councillors
Catchgate Ward	2 Councillors
Craghead & South Stanley Ward	2 Councillors
Havannah Ward	3 Councillors
Stanley Hall Ward	4 Councillors
South Moor Ward	3 Councillors
Tanfield Ward	3 Councillors

- 6.3 The Council is committed to making a positive difference to the local community that it represents. It aims to be a modern, forward-thinking and effective local decision maker, and acts as a focus - a “sounding board” - for local opinion providing a way to get things done which best suits the needs of the local community. It does this by recognising it can’t do everything itself, and works with other agencies (such as the Police), local voluntary organisations and other tiers of government with the aim of improving local services and amenities. This may include the Council providing services and taking a stake in land/or property assets.
- 6.4 Only the full Town Council has authority to make decisions on behalf of the residents of Stanley. It can, however, delegate some decisions to Committees, Sub-Committees and the “Proper Officer” (the Town Clerk) to enable it to operate more effectively.

## **7. HOW THE COUNCIL OPERATES**

- 7.1 Under Schedule 12, Part II of the Local Government Act 1972 the Council must hold an annual general meeting and at least three other meetings in any year. A Chairman (who in Stanley is known as the Town Mayor) of the Council must be elected at each Annual General Meeting and serves for a period of one year until the next Annual General Meeting. The Town Mayor, if present, must preside at all meetings of the Full Council or, in his/her absence, the Deputy Town Mayor will preside.
- 7.2 The Council itself can make all of the policy and other decisions within the powers given to local councils by law. However, under Section 101 (1) of the Local Government Act 1972, it can also establish Committees and Sub-Committees to make decisions on issues specifically delegated by the Council, or only to make recommendations on these issues, or a combination of both. Chairs of any Committee established are also elected at the Annual General Meeting, although the Chair of any Sub-Committee or Working Group is elected by that particular body.

7.3 The following matters cannot be delegated to a Committee, Sub-Committee or Officer of the Council:

- The borrowing of money.
- The setting of a precept.
- The disposal of land, other than lettings for two years or less.
- The introduction of new major policy or a material change in the Council's established policy.
- The making of bye-laws.
- The purchase of land not provided for, or at a cost in excess of a sum previously allowed for.

7.4 Stanley Town Council has one standing Committee to make decisions and recommendations regarding the policies and services it provides. Details of the scheme of delegation are given in Appendix 2 below. The current Committee is called the Finance & General Purposes Committee.

The Town Council is a statutory consultee on Planning Matters. Any Planning matters which two or more members wish to be discussed by the Council can be dealt with by the Full Council or the Finance & General Purposes Committee.

7.5 The Council, or its Committees, may appoint sub-committees or working groups to consider issues delegated to them by the parent committee.

7.6 The Council meets on the 4th Tuesday of every month (excluding August and December) and its Committees meet in accordance with the agreed Schedule of Meetings. Meetings are open to the public and press, although there may be occasions when matters need to be discussed in private and the press and public will be excluded.

7.7 The Council is required by law to appoint a "Proper Officer" and a "Responsible Financial Officer". It has the power to appoint any additional staff required to deliver its programme. Stanley Town Council employs a Town Clerk who fulfils the role of both Proper Officer and Responsible Financial Officer.

7.8 Officers are employed to deliver the Council's services in line with the policies and direction determined by the Members at meetings of the Council and its Committees. They advise Members on policy issues and the statutory requirements the Council has to meet. In addition, the Town Clerk, as Proper Officer, is by law required to undertake certain functions, both administratively and financially, detailed in **Appendix 4**.

## **8. Role of Members and Officers**

8.1 To ensure good governance and the effective running of the Council it is important to understand the respective roles of Members and officers. They are both servants of the public, and they are indispensable to one another, but their responsibilities are distinct.

- 8.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body. Their job is to give advice to both individual Members and to the Full Council, and to carry out the Council's work under the direction and control of the Council and its relevant Committees. It is also the role of the Proper Officer to ensure the Council does not do anything which it does not have the legal power to do.
- 8.3 Mutual trust and respect between Members and officers is essential.

### **Members**

- 8.4 Elected members have four main areas of responsibility:
- (i) To determine council policy and provide community leadership;
  - (ii) To monitor and review council performance in delivering services;
  - (iii) To represent the Council externally; and
  - (iv) To act as advocates for their constituents.
- 8.5 In more detail, a Member should be concerned with most or all of the following:
- (i) To be involved actively and constructively in the governance of the Town;
  - (ii) To participate fully in the formation and scrutiny of the Town Council's strategies, policies, budgets and service delivery, including the Medium Term Plan;
  - (iii) To ensure, with other Members, that the Town Council is properly managed;
  - (iv) To keep up to date with significant developments affecting local councils;
  - (v) To be accessible to the electorate of the ward for which the Member is elected, to represent their views and to be receptive to complaints, questions and suggestions;
  - (vi) To represent the whole electorate and reflect their views in considering Council policies and actions;
  - (vii) To attend Council meetings;
  - (viii) To adequately prepare for Council meetings by reading reports and being properly informed on the matters to be discussed;
  - (ix) To take part in meetings, form a view on what is best for the community and then abide by majority decisions taken;
  - (x) To represent the Council on outside bodies;
  - (xi) To abide by the Council's Code of Conduct.
- 8.6 All Members have the same rights and obligations in their relationship with the Town Clerk and other officers, regardless of their status or political party and must be treated equally, subject to section 9 below.

## 8.7 Individual Members:

- (i) **must not** involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and he/she will be acting on instructions from the Council or its Committees, within an agreed job description;
- (ii) **do not have and cannot be given** any powers to make decisions on behalf of the Council, including decisions which result in financial commitments for the Council. This includes the Town Mayor although he/she does have personal responsibilities in connection with the running of formal meetings (see also **Appendix 3**).

8.8 All decisions taken by Councillors should be in the best interests of the people of the Stanley Town Council area.

## Officers

8.9 In general, it is the role of officers to provide information and advice to Members, and to implement policies agreed by the Council. The Town Clerk has the senior role in ensuring that Council decisions are implemented and the operation of the Council is effectively managed. His/her duties are wide and varied, some of which are statutory, and cover financial, legal, secretarial and administrative functions, as well as line managing the other officers. (see also **Appendix 4**).

8.10 Other officers carry out duties as detailed in their job descriptions.

8.11 In giving advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her professional views and to make recommendations where appropriate. An officer may reflect on the views of individual Members on an issue, but the recommendations should be the officer's own. If a Member wishes to express a different view they must not pressurise the officer to make a recommendation contrary to the officer's view.

## 9. Political Groups

9.1 The legal framework of Town and Parish Councils is such that only the Full Council has the authority to make decisions. However, Stanley Town Council recognises that the vast majority of Councillors who have been elected since the Council's formation have been members of a political party. As such, if there is a political group on the Council which comprises more than three members, the group may, upon service on the Town Clerk a notice signed by all members of the group confirming their intention to do so, appoint a Leader.

9.2 The role of the group Leader will be to act as the conduit between the recognised political groups and the Town Clerk in agreeing business to be put forward to the agendas of Council and its Committees and to act as a spokesperson for the group in relation to political matters.

- 9.3 Where a political group has a majority on the Town Council, the Leader of that political group may use the style "Leader of Stanley Town Council"
- 9.4 The role of Leader is separate and distinct from the Town Mayor, which is a non-political, civic and administrative role. The two positions may not be concurrently held by the same member of Council.

## **10. The Town Mayor**

- 10.1 At the Annual General Meeting held on 16th May 2017, the Council resolved to adopt the style of Town Mayor and Deputy Town Mayor for the Chairman and Vice Chairman respectively.
- 10.2 The role of Town Mayor, as described by the Local Government Association's publication 'Preparing for the role of Civic Mayor', is:

*"The mayor is often seen as a symbol of an open society because the role is no longer restricted to an elite group within the population. The 'first citizen', as they are sometimes known, can come from any class, gender or ethnic background and has a key democratic role to play. After being chosen and appointed by fellow councillors, he or she must act as a politically impartial chairman of the council, making sure that proper conduct takes place in the council chamber during meetings. The civic mayor also has a duty and privilege to support local initiatives aimed at providing benefit to the council area and its diverse communities. In this role, the mayor can speak and act in multiple capacities, as ambassador, facilitator, promoter and encourager. This may involve highlighting relevant causes and helping members of the local community to receive the recognition they deserve. However, it is probably the mayor's ceremonial role that most people are familiar with. Mayors are frequently invited to attend events in the community, such as openings and fundraising events organised by voluntary and charitable organisations. Fundraising events may also be held for charities that are chosen by the new mayor at the start of the civic year."*

## **11. Governance Documents**

- 11.1 The Council has a number of documents which set the environment in which the Council discharges its duties and powers. They are the internal rules, practical arrangements and processes which are essential to those who form and work for the Council. Members and officers should be able to demonstrate compliance with the governance documents in relation to all activities, decisions and decision making processes.
- 11.2 The governance documents are:
- The Constitution, including the Scheme of Delegation
  - Standing Orders

- Financial Regulations
- Member Code of Conduct
- Budget
- Publications Scheme
- Complaints Procedure
- Gifts and Hospitality Policy
- Member/Officer Relations Policy
- Bullying and Harassment Policy
- Grants Policy
- Whistleblowing Policy
- Anti-Fraud and Corruption Policy
- Child and Vulnerable Adult Protection Policy
- Health and Safety Policy
- Risk Management Strategy
- Media Policy, including Social Media
- Business Continuity Policy
- Data Protection Policy

11.3 Not all of these documents are currently in place and there may be others added to the list as time progresses. It is not the purpose of this part of the Constitution to repeat the content of these documents. However, they will be available from the Town Council when complete.

11.4 The documents will be kept under regular review and any amendments must be approved by the Full Council.

## APPENDIX 1

### LIST OF PARISH COUNCIL POWERS

Function	Powers & Duties	Statutory Provisions
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s. 57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34



Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92
	Duty on Parish Councils to consider crime reduction in every policy and action	s17 Crime and Disorder Act 1998 (as amended)
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Dogs	Power to make a Dog Control Order Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods and Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	<p>Power to maintain footpaths and bridle-ways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Powers to provide parking places for bicycles and motor-cycles, and other vehicles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes</p> <p>Power to provide traffic signs and other objects or devices warning of danger</p> <p>Power to plant trees and lay out grass verges etc. and to maintain them</p>	<p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss. 124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	<p>Provision of receptacles</p> <p>Power to take enforcement action against those that litter</p>	<p>Litter Act 1983, ss.5,6</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198

Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A

War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s. 133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
Well-Being	Power to well-being of the area (for eligible councils)	s2 and 4 of the Local Government Act 2000

## APPENDIX 2

### COMMITTEE STRUCTURE AND SCHEME OF COMMITTEE DELEGATION

1. **All Committees have the power to act immediately on all delegated decisions reached without waiting for endorsement by the full Council.**  
However, a Committee considering an item of business which they have a delegated power to make decision on may refer that item to Full Council for decision by resolution if they wish.
2. The Town Mayor and Deputy Town Mayor shall be ex-officio members of any standing Committees
3. **Planning Committee**
  - PC1 The Planning Committee (a Standing Committee) shall comprise all members of the Council.
  - PC2 The Committee shall meet at the discretion of the Chair of the Committee who shall be Town Mayor. In addition, any two members of the Committee (Full Council) may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.
  - PC3 The quorum shall be six Members.
  - PC4 The Committee is delegated with authority to pursue the following role and functions:
    - (i) To formulate the Council's policies and case specific position relating to land use;
    - (ii) To exercise the Council's legal right to act as a statutory consultee in the planning process;
    - (iii) To make representations to the Local Planning Authority on any application referred to the Council and on any other planning matter that affects the Parish;
    - (iv) To consider and respond to any strategic planning proposals by the principal authority;
    - (v) To comment on highways/footways issues that affect the Parish;
    - (vi) To submit to the Finance and Governance Committee bids for funds as part of the annual budget process;
    - (vii) To lead the Neighbourhood planning process on behalf of Council, including the establishment and oversight of any steering groups that may be required.

- (viii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

#### **4. Finance and General Purposes Committee**

- FG1 The Finance and General Purposes Committee (a Standing Committee) shall comprise all elected members of the Council.
- FG2 The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.
- FG3 The quorum shall be six Members.
- FG4 The Committee is delegated the authority to pursue the following role and functions:

##### **Finance**

- (i) To make recommendations to the Council on the annual budget and precept (consistent with the Council's agreed priorities and policies);
- (ii) To receive from sub-committees and working groups, and to collate prior to the submission to the Council, all bids for financial provision to be included in the annual revenue and capital budget relating to the work of the Committee;
- (iii) To formulate and present to the Council recommendations for annual expenditure and income;
- (iv) To oversee the Council's financial performance through the review of budget monitoring reports;
- (v) To oversee the Council's Accounts;
- (vi) To oversee and control borrowing by the Council and the investment of funds within the Council's control;
- (vii) To make recommendations to the Council on the capital programme, its content, phasing and monitoring;
- (viii) To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts;
- (ix) To have the direction and control of insurance in respect of the Council's property, members, and employees;
- (x) To provide efficient financial services and advice for the benefit of the Council;
- (xi) To monitor and make recommendations in relation to the process for applying for grant funding to support the Council's activities;
- (xii) To regularly review the Council's treasury management activities;

- (xiii) To review proposed amendments to Financial Regulations before submission to the Council for approval;
- (xiv) To periodically review risk;
- (xv) To monitor and approve payments;
- (xvi) To receive and respond to internal and external audit reports;
- (xvii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

### **Staffing**

- (xviii) To consider issues concerning the employment and salaries, terms and conditions of all staff and make recommendations to the full Council;
- (xix) To consider issues concerning Council personnel policy and make recommendations to the full Council;
- (xx) To review the staffing structure and levels, and make recommendations to the full Council;
- (xxi) To review health and safety at work for all Council employees.
- (xxii) To ensure the Council complies with all legislative requirements relating to the employment of staff;
- (xxiii) To interview staff for appointments to the posts of Town Clerk and the Management Team, and make recommendations to full Council;
- (xxiv) To keep under review a system for regular staff appraisals;
- (xxv) To have responsibility for the line management of the Town Clerk.
- (xxvi) To review and make recommendations on all aspects of communication involving the Council, with the aim of ensuring that the community is aware of the aims, policies and activities of the Council;

### **Communications**

- (xxvii) To review and make recommendations on how information is to be circulated to all interested groups regarding the Council's activities;
- (xxviii) To review and make recommendations on how the Council may encourage feedback from the community to inform it on the need for policy changes and development;
- (xxix) To review and develop initiatives to improve communications within the Council;
- (xxx) To develop and review policies for dealing with the media;
- (xxxi) To monitor and review the policy for the use of social media as a means of communicating with the community;
- (xxxii) To oversee the effectiveness of the Council's websites;

### **Events & Entertainment**

- (xxxiii) To consider the options for delivering and/or supporting events in the communities of Stanley which may further the overall objectives of the Council;
- (xxxiv) To oversee the operation, development and promotion of the Civic Hall;

#### **Community Safety**

- (xxxv) To keep under review the safety of the community within the Town Council area, and make recommendations to the Council on any matters involving community safety;
- (xxxvi) To consider and develop initiatives involving the Council's partners aimed at reducing crime and helping make the community feel more secure;
- (xxxvii) To review the issue of anti-social behaviour, particularly among the youth of the community, and consider how this may be addressed;
- (xxxviii) To monitor and review arrangements relating to environmental issues, such as dog fouling, litter etc., with a view to developing initiatives to address the situation;
- (xxxix) To monitor the performance of any environmental improvement contracts and make recommendations to Council to improve their effectiveness
- (xl) To consider and make recommendations on how the community may be educated and informed on issues concerning the environment, crime and community safety;
- (xli) To create an effective partnership with other agencies involved in matters relating to the remit of the Committee;

#### **Grievance Panel**

5. The Grievance Panel is set up as part of the Council's Grievance Process. It will meet as and when required to hear grievances from officers of the Council. The Panel shall comprise three members who have undergone the necessary training in handling grievance matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will make recommendations on how the grievance may be resolved.

#### **Disciplinary Panel**

6. The Disciplinary Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear reports prepared by an appropriate officer or other approved person following a disciplinary investigation, together with the response from the Council officer concerned. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will be required to



make a decision as to what disciplinary action, if any, should be taken as a result of the hearing.

### **Appeals Panel**

7. The Appeals Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear appeals by Council officers against any decision made by the Disciplinary Panel. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel, or in the process prior to the hearing of the appeal. The decision of the Appeals Panel is final.

## APPENDIX 3

### ROLE AND RESPONSIBILITIES OF THE TOWN MAYOR

The main rules of law governing the role of the Town Mayor of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- That the Town Mayor must preside at a meeting of the parish council if he or she is present; and
- That it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

#### **It is the duty of the Town Mayor:**

“to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting”

*National Dwellings Society v Sykes (1894)*

#### **It is the Town Mayor's responsibility:**

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
  - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
  - (ii) Declaring the result; and
  - (iii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

*“Knowles on Local Authority Meetings” (ICSA Publishing)*

#### **Voting**

During the meeting, if a vote on a matter is tied, the Town Mayor, or other person presiding, has a second or casting vote.

The Town Mayor's term of office continues until the appointment of a successor, other than where the Town Mayor resigns or is disqualified. This continuity also applies when the Town Mayor has not been re-elected following local elections. In this case, the Town Mayor does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

### **Outside of the Meeting**

The Town Mayor:

- Is the person to whom notice of resignation is given by other Councillors or the Town Clerk;
- May convene meetings of the Council (on proper notice to the Town Clerk);
- When attending ceremonial events, is the proper person to represent the parish;
- May receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the Council or through the delegation scheme, by one of its Committees or Sub-committees are to be taken by the Town Clerk.

The Town Mayor may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Town Mayor (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Town Mayor) but that he or she must first bring the matter to the attention of the Town Mayor and take into account the views of the Town Mayor in coming to his or her decision.

It is also likely to be the case that in the absence of a Council Leader, the Town Mayor will be the person whom the Town Clerk will approach;

- for information about the Council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.

Correspondence to and from the Council will normally be dealt with by the Clerk, not by the Town Mayor.

## APPENDIX 4

### SCHEME OF OFFICER DELEGATION

#### TOWN CLERK

1. The Town Clerk shall be the Proper Officer in accordance with Section 112 of the Local Government Act 1972.
2. The Town Clerk shall be the Responsible Financial Officer in accordance with Section 151 of the Local Government Act 1972.
3. The Town Clerk is the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any statute.
4. As Proper Officer, the Town Clerk is specifically authorised to:
  - (i) Receive declarations of acceptance of office;
  - (ii) Receive and record notices disclosing pecuniary interests;
  - (iii) Receive and retain plans and documents;
  - (iv) Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed reference Standing Order 22
  - (v) Receive copies of bye-laws made by a Primary Local Authority;
  - (vi) Certify copies of bye-laws made by the Council;
  - (vii) Sign summonses to attend meetings of the Council.
5. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - (i) The day to day administration of services, facilities and assets together with routine inspection and control;
  - (ii) Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budgets;
  - (iii) Authorisation of routine expenditure within agreed budgets;
  - (iv) Emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services;
  - (v) To institute, defend and appear in any legal proceedings authorised by the Council;
  - (vi) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Stanley);
  - (vii) To agree the terms of any lease, licence, conveyance or transfer;
  - (viii) Variations of restrictive covenants of a routine nature;
  - (ix) The granting of easements, wayleave and licenses over Council land;

- (x) To respond to planning applications on behalf of the Council, where, due to timescales the Planning Committee is unable to comment, provided that the Town Clerk has consulted with the Chair and Vice-Chair of the Committee. All members will receive details of planning applications which are dealt with under this delegation and may make comments;
  - (xi) To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000;
  - (xii) To arrange for interviews and appoint staff graded below the post of Civic Hall Manager to a vacant post in the staffing establishment where authority to recruit has been granted by Council;
  - (xiii) To take editorial decisions in relation to digital and printed media issued by the Town Council in accordance with any policies agreed by Council;
  - (xiv) Actions taken under delegated authority by the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement and this Scheme of Delegation and with directions given by the Council from time to time.
6. The Town Clerk shall be the Responsible Financial Officer (RFO) to the Council under Section 151 of the Local Government Act 1972. The Town Clerk shall be the RFO for any purpose in which a Responsible Financial Officer is mentioned in any statute. The Town Clerk, as RFO, is specifically authorised:
- (iii) To determine the Council's accounting system and the form of the accounts and supporting accounting records;
  - (iv) To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting revisions to the Council for approval.



**Stanley**  
**Town**  
**Council**



# STANDING ORDERS

## May 2018

**National Association of Local Councils (NALC)**  
**109 Great Russell Street**  
**London**  
**WC1B 3LD**

**020 7637 1865 | [nalc@nalc.gov.uk](mailto:nalc@nalc.gov.uk) | [www.nalc.gov.uk](http://www.nalc.gov.uk)**

© NALC 2018. All rights are reserved. No part of this publication may be reproduced or used for commercial purposes without the written permission of NALC save that councils in membership of NALC have permission to edit and use the model standing orders in this publication for their governance purposes.

Permission is given to use NALC's logo in the presented format only.

0.	INTRODUCTION	5
1.	RULES OF DEBATE AT MEETINGS	6
2.	DISORDERLY CONDUCT AT MEETINGS	7
3.	MEETINGS GENERALLY	8
4.	COMMITTEES AND SUB-COMMITTEES	11
5.	ORDINARY COUNCIL MEETINGS	12
6.	EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES	14
7.	PREVIOUS RESOLUTIONS	14
8.	VOTING ON APPOINTMENTS	14
9.	MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER	15
10.	MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE	15
11.	MANAGEMENT OF INFORMATION	16
12.	DRAFT MINUTES	17
13.	CODE OF CONDUCT AND DISPENSATIONS	18
14.	CODE OF CONDUCT COMPLAINTS	19
15.	PROPER OFFICER	19
16.	RESPONSIBLE FINANCIAL OFFICER	21
17.	ACCOUNTS AND ACCOUNTING STATEMENTS	21
18.	FINANCIAL CONTROLS AND PROCUREMENT	22
19.	HANDLING STAFF MATTERS	23
20.	RESPONSIBILITIES TO PROVIDE INFORMATION	25
21.	RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION	25
22.	RELATIONS WITH THE PRESS/MEDIA	26
23.	EXECUTION AND SEALING OF LEGAL DEEDS	26
24.	COMMUNICATING WITH COUNTY COUNCILLORS	26
25.	RESTRICTIONS ON COUNCILLOR ACTIVITIES	27
26.	STANDING ORDERS GENERALLY	27



## INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

## MODEL STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

## 1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the

meeting shall request such person(s) to moderate or improve their conduct.

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

### 3. MEETINGS GENERALLY

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

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. A minimum of five clear days notice of a meeting shall be given to elected members. **(The statutory minimum is three days). A clear day for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.

- h. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l. **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor may in his absence be done by, to or before the Deputy Town Mayor.**
- p. **The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor shall preside. If both the Town Mayor and the Deputy Town Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- 
- r. **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- *See standing orders 5(h) and (i) for the different rules that apply in the election of the Town Mayor at the annual meeting of the Council.*

- s. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t. The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- u. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- v. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

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

- w. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 
- x. A meeting shall not exceed a period of two and a half hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Town Mayor and Deputy Town Mayor of the Council.**
- f. **The Town Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g. **The Deputy Town Mayor, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.**
- h. **In an election year, if the current Town Mayor has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but shall give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Town Mayor has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Town Mayor has been elected. He may exercise an original vote in respect of the election of the new Town Mayor and shall give a casting vote in the case of an equality of votes.**
- j. **Following the election of the Town Mayor and Deputy Town Mayor of the**



Council at the annual meeting, the business shall include:

- i. **In an election year, delivery by the Town Mayor and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Town Mayor of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local

Government Act 1972 or the general power of competence.

- xxi.** Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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

## **7. PREVIOUS RESOLUTIONS**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 11 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

settled by the casting vote exercisable by the chairman of the meeting.

**9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

**10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;

- iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.
- b. No motion under standing order 10 (a) (xv) above will be permitted to require a vote on any item of business to be conducted by a secret ballot unless there is a specific and justifiable reason, which must be notified to the Town Clerk in advance of the meeting and must be debated in advance of the motion to suspend standing order 3 (s).

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention**

**policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **12. DRAFT MINUTES**

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

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

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g. Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**

- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

#### 14. CODE OF CONDUCT COMPLAINTS

- a. Upon notification by the County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Town Mayor of this fact, and the Town Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c. The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the County Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### 15. PROPER OFFICER

- a. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
  - i. at least five clear days **(three clear days is the statutory limit) before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda, and**

- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Town Mayor, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of bye-laws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. maintain a record of every planning application notified to the Council and the Council's response to the local planning authority;
- xv. refer a planning application received by the Council to the Town Mayor or Deputy Town Mayor of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.



- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

## 16. RESPONSIBLE FINANCIAL OFFICER

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

## 17. ACCOUNTS AND ACCOUNTING STATEMENTS

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

- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;

- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Finance & Governance Committee is subject to standing order 11.

- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Finance & Governance Committee or, if he is not available, the vice-chairman of the Finance & Governance Committee] of absence occasioned by illness or other reason and that person shall report such absence to Finance & Governance Committee at its next meeting.
- c. The chairman of the Finance & Governance Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance & Governance Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Finance & Governance Committee or in his absence, the vice-chairman of the Finance & Governance Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance & Governance Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk or other employee relates to the chairman or vice-chairman of the Finance & Governance Committee the, which shall be reported back and progressed by resolution of the Finance & Governance Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential and secure the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21.*

- a. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- a. **The Council shall appoint a Data Protection Officer.**
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e. **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f. **The Council shall maintain a written record of its processing activities.**

## 22. RELATIONS WITH THE PRESS/MEDIA

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

*See also standing orders 15(b)(xii) and (xvii).*

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

## **24. COMMUNICATING WITH COUNTY COUNCILLORS**

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

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **26. STANDING ORDERS GENERALLY**

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 11 councillors to be given to the Proper Officer in accordance with standing order 9.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

# FINANCIAL REGULATIONS



**STANLEY TOWN COUNCIL**

Civic Hall, Front Street, Stanley DH90NA

## **FINANCIAL REGULATIONS**

The purpose of Financial Regulations is to formalise the process used by Stanley Town Council to govern the conduct of the financial transactions of the Council.

### **1.0 GENERAL**

- 1.1 These Financial Regulations may only be amended or varied by recommendation of the Finance and General Purposes Committee followed by resolution of the Full Council.
- 1.2 The Responsible Financial Officer (RFO), under the policy direction of the Full Council, shall be responsible for the proper administration of the Council's affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

### **2.0 ANNUAL ESTIMATES**

- 2.1 Each Committee shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year, not later than the end of November each year.
- 2.2 Detailed (estimated) receipts and payments for the full financial year, shall also be prepared at this time each year by the RFO. These shall be used as the basis for the budget for the ensuing financial year.
- 2.3 The Full Council shall review the estimates and proposed budget not later than the beginning of January following the preceding November (see 2.1), and use these to fix the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates and budget.
- 2.4 The annual budget shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments (Medium Term Financial Plan) which shall be prepared at the same time as the annual Budget.

### **3.0 BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.
- 3.2 Any expenditure which would exceed the amount provided in the revenue budget, may be incurred only by resolution of the Full Council.



- 3.3 The RFO shall regularly (on a monthly basis) provide the Finance and General Purposes Committee with a statement of receipts and payments to date under each head of the budget, comparing actual expenditure against that planned, and including a projection of the likely outcome for the full year.
- 3.4 The RFO and Chair of the Council may incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement, or other work, which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £7,500. Such expenditure shall be reported to Full Council by email immediately confirming the value and reason, and then to be retrospectively reviewed and approved at the next Full Council meeting.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless approved by the Full Council, on the recommendation of the Finance and General Purposes Committee.
- 3.6 No expenditure shall be incurred in relation to any capital project or service, and no contract entered into, or tender accepted involving capital expenditure, unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and these financial regulations relating to contracts.

#### **4.0 ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations in effect at the time.
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the year-end of the financial year and shall submit them and report thereon to the Full Council.
- 4.3 The RFO shall be responsible for completing the accounts of the Council contained in the Annual Return (as supplied by the External Auditor appointed from time to time by the Audit Commission), and for submitting the Annual Return for approval and authorisation by the Full Council, within the timescale set by the Accounts and Audit Regulations in effect at the time or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is an adequate and effective system of internal control of the Council's accounting, financial and other operations, in accordance with the appropriate Regulation of the Accounts and Audit Regulations in effect at the time. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply

## Item 13 – ATTACHMENT J

the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

- 4.5 The Internal Auditor shall carry out the work required in accordance with a risk based audit plan to be determined by the Auditor and approved by the Finance and General Purposes Committee. Additional work may, from time to time, be requested by the RFO, or by the Council. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to the Finance and General Purposes Committee in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the exercise of electors' rights to inspect the accounts, books and vouchers required by Section 15 of the Audit Commission Act 1998 and the Accounts and Audit Regulations in effect at the time.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all Councillors, any relevant correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

### **5.0 BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Full Council. They shall be regularly reviewed for efficiency.
- 5.2 Cheques drawn on the Council's bank account shall be signed by one Officer and one Member of Council.
- 5.3 Payments drawn on the Council's bank account by BACS or other electronic means shall be raised by one authorized bank signatory and authorised by a second. The BACS files shall be checked and signed by a Member of Council who is also a bank signatory and reported to Council or the relevant Committee of Council.

### **6.0 PAYMENT OF ACCOUNTS**

- 6.1 The Council shall ensure that safe and efficient arrangements are in place for the making of any payments.
- 6.2 All payments (other than petty cash [6.5]) shall be effected by cheque, Debit Card, direct debit, or other order drawn on the Council's bankers, including BACS payments. With regard to payments by any means other than cheque, approval will be renewed by resolution of the full Council every two years.
- 6.3 The appropriate Manager shall satisfy him/herself that the work, goods or services to which the invoice relates, have been received or carried out in accordance with the relevant order. He/she shall insert the appropriate budget code to which the cost is to be charged.

## Item 13 – ATTACHMENT J

- 6.4 The Finance Manager shall examine invoices in relation to arithmetic accuracy, correct application of VAT and correct coding and shall take all steps to settle invoices submitted, and which are in order, at the earliest possible opportunity.
- 6.5 The RFO shall countersign all invoices prior to payment being processed.
- 6.6 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and where the RFO and Finance Manager certify that there is no dispute or other reason to delay payment, the RFO may (notwithstanding paragraph 6.3), take all steps necessary to settle such invoices, provided that such payments shall subsequently be scrutinised by the Chair of the Finance and General Purposes Committee.
- 6.7 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Finance Manager with a claim for reimbursement:
- a) The RFO shall maintain a petty cash float of £100 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float, but must be separately banked on the next available working day, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to the Council.
- 6.8 Subject to 6.2, wherever possible payments to staff and service providers will be made by the Banking Automated Credit System (BACS). This is subject to strict compliance with the agreed procedure for the operation of an electronic payments system.

### **7.0 PAYMENT OF SALARIES**

- 7.1 The payment of all salaries shall be made by Durham County Council (the Principal Authority) in accordance with payroll records and the rules of PAYE and National Insurance currently operating. Salaries shall be according to employees' contractual agreements, which have been previously agreed by the Council.
- 7.2 Payment of salaries, and deductions from salary for tax, national insurance and pension contributions, will be made in accordance with the payroll records and on the appropriate dates.
- 7.3 Payment of excess additional hours worked (in accordance with contractual agreements), will be made in accordance with the payroll records and on the appropriate dates provided that each payment is reported to, and resolved by, the next available Full Council Meeting.

**8.0 LOANS AND INVESTMENTS**

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy, shall be in accordance with the Trustee Investments Act 2000, and shall be reviewed on a regular basis (at least annually).
- 8.3 All investments of money under the control of the Town Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by the Full Council as to its terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

**9.0 INCOME**

- 9.1 The collection of all sums due to the Council shall be the responsibility of, and under the supervision of, the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied, shall be agreed annually by the Council and notified to the RFO.
- 9.3 The Council shall review all fees and charges annually (where relevant), following a report of the RFO. Any sums found to be irrecoverable and any associated bad debts shall be reported to the Full Council, and shall be written off in the relevant financial year.
- 9.4 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers, with such frequency, as the RFO considers necessary.
- 9.5 The origin of each receipt shall be entered on the paying-in slip and recorded in the accounts.
- 9.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.7 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994, Section 33, shall be made on a quarterly basis in accordance with HMRC procedures.
- 9.8 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council, to ensure that more than one person is present when the cash is counted in the first instance, that there is a

reconciliation to some form of control (such as ticket issues), and that appropriate care is taken in the security and safety of individuals banking such cash.

- 9.9 Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere within these regulations.

#### **10.0 ORDERS**

- 10.1 An official order or letter shall be issued for all work, goods and services, unless a formal contract is to be prepared, or an official order would be inappropriate. Copies of orders shall be retained.

- 10.2 All Purchase Orders shall be controlled by the RFO.

- 10.3 All Members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable, that the best available terms are obtained in respect of quality, value and service for each transaction

#### **11.0 PROCUREMENT**

- 11.1 Contracts are subject to any de minima provisions current at the time they are agreed:
- These provisions are commonly referred to as the 'De Minimis' rules/exceptions, under which local authorities are in some cases excepted from the requirement to let contracts through competitive tender.
  - There is no obligation on authorities to make use of the de minimis provisions; the limits set are not to be exceeded but it is a matter for individual authorities to decide to what extent they are used, or even if they are used at all.
  - At the time of adopting this policy it is now possible to let any number of individual de minimis contracts up to a value of £29,999 expenditure each in any one year (the previous limit was £24,999).
  - However, subject to the individual contract limit, there will no longer be any limit on the total value of de minimis contracts that may be let with an individual organisation in any year.

- 11.2 Procedures as to contract are laid down as follows:

##### **General**

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency, provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:

- i) for the supply of gas, electricity, sewerage and telephone services;
- ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- iii) for work to be executed or goods or materials to be supplied which consist of repairs to or for existing machinery or equipment or plant;

## Item 13 – ATTACHMENT J

- iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Town Council;
- vi) for additional audit work of the external Auditor up to an estimated value of £750 (in excess of this sum the RFO shall act after consultation with the Chair and Vice Chair of the Council);

b) Where it is intended to enter into a contract for the supply of goods or materials, or for the execution of works or specialist services, other than such goods, materials, works or specialist services as are excepted as set out in paragraph 11.2.a.i (above) the following shall apply:

### **Contracts Exceeding £60,000 in Value**

- c) For Contracts exceeding £60,000 in value, the RFO shall invite tenders from at least three firms to be taken from the appropriate approved list.
- d) Such invitations to tender shall state the general nature of the intended Contract, and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- e) The invitation shall, in addition, state that a tendering firm shall be supplied with a specifically marked envelope, in which the tender is to be sealed, and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one Member of the Council
- g) If less than three tenders are received for contracts over £60,000, or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials, or executing the works.
- h) Any invitation to tender issued under this regulation, shall contain a statement to the effect that “Neither the Town Council, nor any committee, is bound to accept the lowest tender, estimate or quote, provided a justifiable reason is stated.”

### **Contracts Over £20,000 and up to £60,000**

- i) For Contracts of above £20,000 and up to £60,000 in value the RFO shall endeavour to obtain three written quotations (priced descriptions of proposed supply).

### **Contracts Between £5,000 and up to £25,000**

- j) Where the value of a Contract is between £5,000 and £20,000, the RFO shall endeavour to obtain three estimates.

### **Contracts Below £5,000**

k) Where the value of a Contract is below £5,000, the RFO shall obtain one or more estimates, as appropriate.

l) The Council shall not be obliged to accept the lowest, or any tender, quote or estimate.

m) Where applications are made to waive financial regulations relating to Contracts (of whatever value), to enable a price to be negotiated without competition, the RFO shall state the reason in a recommendation to the Full Council.

## **12.0 PAYMENTS UNDER CONTRACT FOR BUILDING OR OTHER CONSTRUCTION WORKS**

12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO, upon authorised certificates of the architect, or other consultants engaged to supervise the contract (subject to any percentage withholdings as may be agreed in the particular contract).

12.2 Where Contracts provide for payment by instalments, the RFO shall maintain a record of all such payments. In any case, where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more, a report shall be submitted to the Full Council.

12.3 Any variations to, addition to or omission from a Contract, must be approved by the Full Council and the RFO in writing to the Contractor, the Council being informed where the final cost is likely to exceed the financial provision.

## **13.0 STORES, EQUIPMENT AND ASSETS**

13.1 The relevant Manager shall be responsible for the care and custody of stores and equipment in their control.

13.2 Delivery notes shall be obtained in respect of all goods received or otherwise delivered, and goods must be checked as to order and quantity at the time delivery is made.

13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

13.5 Non Current Assets - all expenditure on the acquisition, creation or enhancement of non current assets below the Council de minimus of £10,000 is written off to the Council's Income and Expenditure account in the year of acquisition. Expenditure on the acquisition, creation or enhancement of non current assets above the de-minimus of £10,000 and which provide economic benefits to the council for a period over one year are capitalised in accordance with accounting requirements in effect at the time.

- 13.6 Asset depreciation – in accordance with current accounting requirements asset values should not be adjusted for depreciation. The cost value will remain as the asset value in the asset register and on the Annual Return until the asset is disposed.

**14.0 PROPERTIES**

- 14.1 The RFO shall make appropriate arrangements for the custody of all title deeds for properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which, held in accordance with the appropriate Regulation of the Accounts and Audit Regulations in effect at the time.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Full Council, together with any other consents required by law, except where the estimated value of any one item of tangible, movable property, does not exceed £50.

**15.0 INSURANCE**

- 15.1 Following an annual risk assessment, the Finance Manager shall effect all insurances and negotiate all claims on the Council's insurers (in consultation with the RFO).
- 15.2 The RFO shall give prompt notification to the Finance Manager of all new risks, properties or vehicles, which require to be insured, and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby, and annually review it.
- 15.4 The RFO shall be notified of any loss, liability or damage, or of any event likely to lead to a claim, and shall report these to the Council at the next available meeting.
- 15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance, which shall cover the maximum risk exposure as determined by the Council.

**16.0 RISK MANAGEMENT**

- 16.1 The RFO, with the Finance Manager, shall prepare and promote Risk Management policy statements in respect of all activities of the Council.
- 16.2 When considering any new activity, the RFO and Finance Manager shall prepare a draft Risk Management Policy for the activity, and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.



**17.0 REVISION OF FINANCIAL REGULATIONS**

- 17.1 It shall be the duty of the Finance and General Purposes Committee to review the Financial Regulations of the Town Council from time to time, and recommend such amendments to Full Council as are appropriate.
- 17.2 Irrespective of 17.1 above, the Town Council shall review the Financial Regulations at least annually.

# POLICY DOCUMENT

Name of Policy:	Complaints Procedure
Date policy created:	11/12/12
Author:	Russell Morgan
Date endorsed by Finance & General Purposes Committee:	23/10/2012
Signed: (Chair of Finance & General Purposes Committee)	
Date adopted by Full Council:	13/11/2012 Last review 17 <sup>th</sup> May 2017
Signed: (Chair of Council)	

# **STANLEY TOWN COUNCIL**

## **COMPLAINTS PROCEDURE**

This Policy sets out procedures for dealing with any complaints that members of the public may have about Stanley Town Council's administration and procedures.

It includes complaints relating to the Council's employees.

The Code of Conduct adopted by the Council covers councillors.

Complaints against policy decisions made by the Council are to be referred back to Council to be considered in accordance with the Council's Standing Orders.

If a complaint about procedures or administration as practised by the Council's employees is notified orally to a Councillor or the Clerk to the Council, they are to advise the complainant to put the complaint in writing to the Clerk to the Council and be assured that it will be dealt with within fourteen days of receipt.

If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Chairman. On receipt of a written complaint the Chairman or the Clerk to the Council (except where the complaint is about his or her own actions), should try to settle the complaint directly with the complainant. This must not be done without first notifying the person complained against and giving him or her an opportunity to comment.

Efforts should be made to attempt to settle the complaint at this stage.

Where the Clerk to the Council receives a written complaint about his own actions, he is to refer the complaint to the Chairman.

The Clerk to the Council is to be given an opportunity to comment. The Clerk to the Council or Chairman of Council is to report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.



## Item 13 – ATTACHMENT K

The Clerk to the Council or Chairman is to bring any written complaint that has not been settled to the next meeting of the Council.

The Clerk to the Council is to notify the complainant of the date of the meeting at which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint orally.

If the complaint is likely to result in the Disciplinary or Grievance Procedures being used, or Standard Committee action being taken, then it must be deferred until such action is completed.

As soon as possible after the decision has been made, both it and the nature of any action to be taken are to be communicated in writing to the complainant.

The Council can defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint is to be dealt with at the next meeting after the advice has been received.

Complaints about elected, co-opted and independent councillors behaving inappropriately should be made to the Standards Committee of the Durham County Council (via the Monitoring Officer).

For more information on how to complain, please contact the Monitoring Officer of Durham County Council, Head of Legal & democratic Services, County Hall, Durham, DH1 5UL.

Stanley Town Council adopted this policy at its Ordinary meeting of full Council held on the 13<sup>th</sup> November 2012. It has been reviewed at subsequent Annual Meetings of the Council, the most recent review was 17<sup>th</sup> May 2017.



## Stanley Town Council Community Engagement Strategy

**The Town Council recognises that it is uniquely placed to represent the views of its residents and provide community leadership. This strategy sets out how we engage with the local community to identify their needs and aspirations and how it can improve community engagement to give people a voice and involve them in decisions affecting their quality of life.**

### **1. Stanley Town Council aims to:**

- (i) Represent and promote the interests of Stanley and its people of all ages in all its activities;
- (ii) Provide the best possible amenities and services by the efficient use of available resources;
- (iii) Actively involve local people in decisions affecting activities in the local area;
- (iv) Promote equality of opportunity and oppose discrimination;
- (v) Be open and accountable in all it does;
- (vi) Enhance quality of life by protecting and enhancing Stanley's ecological and environmental assets.

### **2. In order to achieve these aims, the Council will:**

- (i) Work closely with residents, local businesses and community groups;
- (ii) Engage with as many people as possible who want to participate in decision making, monitoring services and planning for the future;
- (iii) Ensure, that through the use of a wide range of approaches to public involvement and community engagement, we actively encourage the involvement of residents to capture their views and learn their concerns, and effectively use those views as an integral part of the decision-making process; and
- (iv) Ensure that residents have opportunities to be heard at every stage and the capacity to be effective citizens.

### **3. Defining the community**

The Town Council considers the community of Stanley to comprise:

- (i) All residents of the parish;
- (ii) Users of the Town Council's services and facilities;
- (iii) Those who work or own businesses within the parish;
- (iv) Young people who live and/or go to school within the parish; and
- (v) Local voluntary organisations, clubs and societies and any group or organisation that represents some or any of the members of the above sections of the community.

In addition to the above, the Town Council recognises that there are certain bodies that are crucial to the quality of life in Stanley and aims to maintain excellent working relationships

with these bodies, including Durham County Council, the local Area Action Partnership, Durham Police, Durham & Darlington Fire Service, NHS providers and, in order to share best practice and innovation, other town and parish councils in the County.

#### **4. How community engagement is facilitated**

The Town Council provides the following:

- (i) A website providing information about the parish, Council initiatives and documents detailing the Council's decisions, expenditure and governance;
- (ii) A strong social media presence, recognising that a significantly higher number of residents can be reached through this medium than they can through the standalone website;
- (iii) An annual report providing details of the activities and expenditure of the Council;
- (iv) Regularly updated noticeboards promoting the work of the Council, its partners and other local organisations;
- (v) Residents may contact the Town Council offices in person and by telephone Monday to Thursday 9.30am – 4.30pm and Friday 9.30am – 4.00pm with an answerphone provided for messages outside these hours;
- (vi) Details of how to contact the Town Clerk's office and elected members are provided in the newsletter, on noticeboards and on the website;
- (vii) Ensuring all meetings of the Council are open to the public and press with a period set aside for residents to speak;
- (viii) Full Council meetings are video recorded and broadcast live on Facebook to maximise engagement, accountability and transparency;
- (ix) A quarterly newsletter, Stanley Life, delivered to all residents and businesses across the town and also available from libraries/community centres and on the website;
- (x) Community forums will be held when required to address important issues affecting the area;
- (xi) Additional public meetings will be arranged to address controversial issues;
- (xii) Holding a wide range of community events which provide opportunities to engage with the public and raise community spirit and Civic Pride;
- (xiii) Press releases to manage the media effectively to promote and enhance the reputation and community ownership of the Council;
- (xiv) Effective use of the Arms of Stanley to promote the work of the Council and the parish to the wider area;
- (xv) Good internal communications – making sure staff and members are informed and give consistent messages and representations on behalf of the community;
- (xvi) To seek opportunities for Town Councillors to represent the Council on various outside bodies to ensure good two-way communication with regular reports of these meetings made to the Council; and
- (xvii) Councillors to hold regular surgeries and provide other informal opportunities for residents to speak to them.

#### **5. Improving community engagement**

The Town Council will:

- (i) Publicise the positive results from working with the community and other partners;
- (ii) Seek to work with North Durham Academy and Tanfield School to ensure the views of young people are heard and taken into account;
- (iii) Identify new and innovative opportunities to work with local community groups;
- (iv) Make the fullest possible use of modern communication methods; and
- (v) Review the Community Engagement Strategy annually to ensure its relevance.

---

**STANLEY TOWN COUNCIL**

# Communications Policy

Prepared for: Annual Meeting, 16th May 2017

Prepared by: Alan Shaw, Town Clerk

Date: 9th May 2017 (reviewed 17th May 2018)

---

## INTRODUCTION

This policy covers the Council's non-statutory external communications both in printed media, broadcast media and on the internet. It does not extend to communication by elected members of the Council who are free to give their own personal views on any subject as long as they do not purport those views to be the settled will of the Town Council and are mindful of the Code of Member Conduct when communicating with the public.

## PURPOSE OF POLICY

As a local Council, a key role of Stanley Town Council is to understand public opinion locally and be well connected with community based groups, organisations and service providers throughout the Parish. This objective will not be met unless the Council creates and maintains effective channels of communication with residents that do not just broadcast information about the activities of the Town Council but support the wider best interests of the Parish and promote the parish of Stanley in a positive way to people in the wider region.

## EDITORIAL GUIDELINES

**We will:**

1. Promote our own activities in the Community, and aim to increase participation in local democracy, encourage attendance at Council organised events and raise our profile both locally and in the North Durham area.
  2. Promote the activities of other statutory service providers in the local area including but not limited to Durham County Council, Durham Police, Durham & Darlington Fire Service etc.
  3. Seek to support and promote through our media channels local groups and organisations which are not for profit or charitable, or the aims of similar organisations based outside Stanley if they are active in Stanley.
  4. Develop Civic Pride by providing information about local history and events.
-

## **STANLEY TOWN COUNCIL**

5. Encourage participation in democracy in general (e.g. encouraging residents to register to vote and vote in elections.)

### **We will not:**

1. Publish any material which is overtly political or presents one political group more favourably than another.
2. Promote the commercial interests of businesses unless there is a community aspect (e.g. a grant from a major retailer, sponsorship of an event, relevant information from utility companies)
3. Publish material (even if meets all other relevant criteria) which portrays Stanley or its communities negatively.

## **COMMUNITY NOTICE BOARDS**

The Community Notice Board in Front Street (and any other notice boards the Town Council may subsequently have put in place) will be made available for the display of any posters that meet the editorial guidelines

## **DELEGATED AUTHORITY**

The authority to make editorial decisions about whether or not to publish any information, promotion or advertising using the media channels of the Town Council or Civic Hall is delegated to the Town Clerk, who will apply the provisions of this policy, or if an issue is unclear, exercise discretion in line with the broader purpose of the policy.

---



# PUBLICATION SCHEME



**STANLEY TOWN COUNCIL**

Civic Hall, Front Street, Stanley DH90NA

## **Freedom of information**

The publication scheme below is referred to in the Governance Toolkit for Parish & Town Councils (Version three April 2009) and based on the model scheme produced by the Information Commissioner in 2009 which can be downloaded from the Commissioner's website and adapted to the public authority concerned, (i.e. [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)).

The scheme which shall be reviewed at least annually, was approved by the Finance and General Purposes Committee on the 23<sup>rd</sup> October 2012 and adopted by the full Council on the 13<sup>th</sup> November 2012.

In accordance with the provisions of the Freedom of Information Act 2000, Stanley Town Council will make available the following information in hard copy on request from the Clerk of the Council or by inspection by prior appointment.

Reasonable charges may be raised for the provision of copies of the documents / information listed in each of the classes.

### **1. COUNCIL INTERNAL PRACTICE AND PROCEDURE:**

Minutes of Council, Committee and Sub-Committee meetings – limited to the last two years

Procedural Standing Orders

Council's Annual Report to Town Meeting

### **2. CODE OF CONDUCT:**

Members Declaration of Acceptance of Office

Members Register of Interests

Register of Members Interest Book

### **3. EMPLOYMENT PRACTICE AND PROCEDURE:**

Terms and conditions of employment

Job description

### **4. PLANNING DOCUMENTS:**

Stanley Town Council's responses to planning applications – all other planning information is available from Durham County Council

### **5. AUDIT AND ACCOUNTS:**

Annual return form – limited to the last financial year

Annual Statutory report by auditor (internal and external) – limited to the last financial year

Receipt / Payment books, Receipt books of all kinds, Bank Statements from all accounts – limited to the last financial year

Precept request – limited to the last financial year

VAT records – limited to the last financial year

Financial Standing Orders and Regulations

Assets register – including details of recreation grounds, if applicable

Risk Assessments

All information is available from:

The Town Clerk  
Stanley Town Council  
Stanley Civic Hall  
Front Street  
Stanley  
Co. Durham  
DH9 0NA  
Telephone: 01207 299 109  
[info@stanley-tc.gov.uk](mailto:info@stanley-tc.gov.uk)

**Stanley Town Council adopted the following (Model) Publication Scheme at the Ordinary meeting held on the 13<sup>th</sup> November 2012**

### **Model Publication Scheme - V1.0**

Model Publication Scheme: This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

### **Classes of Information**

#### **Who we are and what we do.**

Organisational information, locations and contacts, constitutional and legal governance.

#### **What we spend and how we spend it.**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

#### **What our priorities are and how we are doing.**

Strategy and performance information, plans, assessments, inspections and reviews.

#### **How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

**Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

**Lists and Registers.**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

**The Services we Offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act 2000, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

**The method by which information published under this scheme will be made available**

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under equality, disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

**Charges which may be made for Information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Review Date: 17th May 2018

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

#### **Written Requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act 2000.