



**Midsomer Norton Town Council**

# **Standing Orders**

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## Contents

Ser	Description
1	MEETINGS OF THE COUNCIL
2	CHAIRMAN
3	PROPER OFFICER
4	PRESENCE OF PUBLIC
5	QUORUM
6	VOTING
7	VOTING ON APPOINTMENTS
8	ORDER OF BUSINESS
9	PUBLIC QUESTION TIME
10	RULES OF DEBATE
11	CLOSURE
12	DISORDERLY CONDUCT BY MEMBERS
13	MOTIONS MOVED WITHOUT NOTICE
14	MOTIONS MOVED WITH NOTICE
15	PREVIOUS DECISIONS AND RESOLUTIONS
16	QUESTIONS BY MEMBERS
17	APPOINTMENT OF COMMITTEES
18	MEMBERSHIP OF STANDING COMMITTEES
19	REFERENCING UP
20	QUORUM OF COMMITTEES
21	VOTING OF COMMITTEES
22	ORDER OF BUSINESS FOR COMMITTEES AND SUB-COMMITTEES
23	RULES OF DEBATE FOR COMMITTEES AND SUB-COMMITTEES
24	MEETINGS OF STANDING COMMITTEES
25	APPOINTMENT OF SUB-COMMITTEES AND WORKING GROUPS
26	PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS
27	DISCUSSIONS AND MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL
28	ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS
29	CONFIDENTIAL BUSINESS
30	INSPECTION OF DOCUMENTS
31	UNAUTHORISED ACTIVITIES
32	DECLARING INTERESTS
33	CANVASSING OF AND RECOMMENDATION BY MEMBERS
34	SEALING OF DOCUMENTS
35	VARIATION, REVOCATION OF STANDING ORDERS
36	LIAISON WITH UNITARY COUNCILLORS
37	DELEGATED POWERS



38	TENDERS AND CONTRACTS
39	PLANNING APPLICATIONS
40	CONTRACTS
41	COMPLAINTS PROCEDURE
42	RECORD OF ATTENDANCE AT MEETINGS
43	DISTRIBUTION OF STANDING ORDERS
44	CODE OF CONDUCT
45	FINANCIAL REGULATIONS
46	INTERPRETATION



## MIDSOMER NORTON TOWN COUNCIL

### STANDING ORDERS

These Standing Orders reinforce the importance of the Model Code of Conduct. Elected members should be aware of the provisions of the Code at **all times**. For the avoidance of doubt, a copy of the Model Code of Conduct adopted by the Council is attached at Appendix A. This is in addition to the separate copy of the Code issued to elected members on first being elected.

Any reference in the following material to the male gender, shall import the female gender also.

These Standing Orders are supported by the following appendices:

- a. Code of Conduct (Adopted 11<sup>th</sup> June 2012 – Amended August 2012)
- b. Standing Committees of the Council
- c. Financial Regulations
- d. Procedure & Administration of the Council

#### 1. MEETINGS OF THE COUNCIL

- 1.1 Meetings of the Council shall normally be held in the Beauchamp Room, Town Hall, The Island, Midsomer Norton, commencing at 7.00 pm unless the Council decides otherwise at a previous meeting. Public Question Time, under Standing Order 9, shall be for 20 minutes.
- 1.2 Meetings of the Council will adjourn immediately after the council has been in session for two hours unless a resolution to continue for an additional period of time has been carried before the expiry of the two hours. Any business remaining will be considered at a time and date fixed by the Chair or if he does not fix a date, at the next ordinary meeting.
- 1.3 ***The statutory annual meeting of the Council shall be held:-***
  - (i) ***In an election year on, or within 14 days, following the day on which the councillors elected, take office;***
  - (ii) ***In any other year on such day in May as the Council may determine.***
- 1.4 ***All other meetings of the Council shall be held on such dates as may be fixed by the Council from time to time.***
- 1.5 ***Extraordinary meetings of the Council may be called:-***
  - (i) ***by the Council by resolution;***



- (ii) by the Mayor, or if absent the Deputy Mayor, at any time; and**
- (iii) upon a signed requisition by two members, to the Mayor and stating the business to be transacted.**
- (iv) if the Mayor refuses to call an extraordinary meeting after a requisition for that purpose has been presented to him/her or if without refusing the Mayor does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two members of the council on that refusal or on the expiration of those seven days may forthwith convene an extraordinary meeting of the council.**

## **2. MAYOR**

**2.1 The Mayor, or in his absence the Deputy Mayor, shall preside at all meetings of the Council and may exercise all the powers and duties of the Mayor in relation to the conduct of the meeting.**

**2.2 In the absence of the Mayor or the Deputy Mayor, the person elected to chair the meeting shall exercise all the powers and duties of the Mayor in relation to the conduct of the meeting.**

2.3 At committee meetings the designated Chair, or in their absence, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, provided the meeting is quorate, those present shall elect a chair for the purposes of that meeting only.

## **3. PROPER OFFICER**

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases it shall be the Town Clerk:

- (1) To receive declarations of acceptance of office.
- (2) To receive and record notices disclosing personal and prejudicial interests.
- (3) To receive and retain plans and documents.
- (4) To sign notices or other documents on behalf of the Council.
- (5) To receive copies of bye-laws made by the unitary authority
- (6) To certify copies of bye-laws made by the Council.
- (7) To sign summonses to attend meetings of the Council.
- (8) To keep proper records of all Council meetings.

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



#### 4. PRESENCE OF PUBLIC

4.1 The statutory right of the public to attend meetings shall be subject to common law rules as to:

- (i) availability of reasonable accommodation for the public to attend, and
- (ii) all powers of the Mayor or Chair of a committee to exclude any person or persons from a meeting or to adjourn a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. If a member of the public interrupts the proceedings at any meeting, the Mayor shall warn that person.
- (iii) If the interruption continues the Mayor shall order the person to be removed from the meeting room. In the case of general disturbance in any part of the meeting room the Mayor shall order that part to be cleared.

#### 5. QUORUM

5.1 The quorum for meetings of the Council will be five.

5.2 If, at the expiration of fifteen minutes after the time at which any meeting of the Council is appointed to be held, the Town Clerk, after counting the number of Members present, announces that a quorum is not present, then no meeting shall take place.

5.3 If, during any meeting of the Council, the Mayor, after counting the number of members present, declares that there is not a quorum, the meeting shall stand adjourned and any business not transacted at the meeting shall be transacted at the next meeting or on such day as the Mayor may fix.

#### 6. VOTING

6.1 Unless provided otherwise by law or in these standing orders all matters before the Council will be decided by a majority of those present and voting. Members shall vote by show of hands. If, however, two members so request, a signed ballot shall be held.

6.2 ***If the majority of the members present at the meeting demand it the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes.***

6.3 ***Subject to (i) & (ii) below, if there are equal numbers of votes for and against a matter, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.***



- (i) if the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserved membership of the Mayor and Deputy Mayor until the end of their term of Office he may not give an original vote in an election for Mayor.***
- (ii) the person presiding must give a casting vote whenever there is an equality of votes in an election of Mayor.***

## **7. VOTING ON APPOINTMENTS**

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

## **8. ORDER OF BUSINESS**

- 8.1 ***At each annual meeting the first business shall be:-***

- (i) to elect a Mayor***
- (ii) to receive the Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received;***
- (iii) in the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations;***
- (iv) to decide when any Declarations of Acceptance of Office which have not been received as provided by law shall be received;***
- (v) to elect a Deputy Mayor;***
- (vi) to receive the Deputy Mayor's declaration of acceptance of office, or if not then received, to decide when it shall be received;***
- (vii) to appoint representatives to outside bodies;***
- (viii) to appoint the standing committees specified in standing order 18, having the duties and powers as set out in the scheme of delegation adopted by the Council.***
- (ix) to inspect any deeds and trust instruments in the custody of the Council.***



**8.2 At every meeting other than the annual meeting the first business shall be to appoint a person to preside if the Mayor and Deputy Mayor are absent and to receive such Declarations of Acceptance of Office (if any) as are required by law to be made, or if not then received, to decide when they shall be received.**

8.3 At every other ordinary council meeting, the order of business shall be as follows:-

- (i) to receive apologies for absence;
- (ii) to receive declarations of interest;
- (iii) **to approve the minutes of the last meeting;**
- (iv) to answer any questions from members under Standing Order 16;
- (v) to deal with business expressly required by statute to be done;
- (vi) to deal with any business not dealt with at the last meeting;
- (vii) to receive and adopt reports and minutes of standing committees and advisory committees.
- (viii) to consider motions under Standing Order 14 in the order in which they have been notified to the Town Clerk;
- (ix) to consider any other business specified in the summons to the meeting.

8.4 The order of business at a meeting may, with the permission of the Mayor, be varied, on the grounds of urgency or convenience.

## **9. PUBLIC QUESTION TIME**

9.1 At the beginning of each meeting of the Town Council, its standing committees and other bodies to which the public are normally admitted, there shall be a period of 'Public Question Time' not exceeding twenty minutes, unless so authorised by the Mayor.

9.2 Members of the public who wish to ask a question at a meeting shall normally give notice to the Town Clerk of the question it is intended to ask no later than 12 noon on the working day before the meeting.

9.3 The Mayor will call upon those wishing to speak in turn, each questioner being allowed to speak for a maximum of five minutes. Those wishing to speak shall state their name and address.

9.4 Answers to questions may take the form of:

- (i) a direct oral response, or
- (ii) when the desired information is contained in a publication, reference to that publication, or
- (iii) when it is more convenient to do so a written answer after the meeting.

9.5 Every question shall be put and answered without discussion.





9.6 Questions shall not be permitted that relate to the individual affairs of either the questioner or any other named person, but should only relate to matters of policy or practice, i.e. matters of a general nature rather than individual concern.

9.7 The chair of the meeting shall not allow any question that is in his/her opinion:

- defamatory, frivolous or offensive; or
- requires the disclosure of exempt or confidential information.
- relates to complaints about individual Members or Officers

## **10. RULES OF DEBATE - MAYOR / Chair of Committee**

10.1 These rules of debate, shall also apply to committee and sub-committee meetings save that references to “the Chair” and “the Council” shall be changed to refer to “the chair of the meeting” and “the committee” as appropriate.

10.2 No discussion shall take place upon the minutes except upon their accuracy. Any correction to the minutes shall be made by resolution, and will be included in the minutes of the meeting at which the correction is made.

10.3 The minutes of the council meeting will contain all adopted motions and amendments in the exact form and order the Mayor put them.

10.4 A motion or amendment shall not be discussed at a council meeting unless it has been proposed and seconded and it shall, if required by the Mayor, be put into writing (unless notice has already been given in accordance with standing order 14) and handed to the Mayor before it is further discussed or put to the meeting.

10.5 The mover of a motion shall have a right to reply at the end of the debate on the motion immediately before it is put to the vote. The mover of the amendment shall not have a right of reply to the debate on his or her amendment. A member exercising a right to reply shall not introduce a new matter.

10.6 After the right of reply has been exercised or waived a vote shall be taken without further discussion.

10.7 A member may, with the consent of his seconder, move amendments to his own motion.

10.8 A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

10.9 A member, when speaking, shall address the Mayor. If two or more members wish to speak the Mayor shall decide who to call upon.



- 10.10 While a member is speaking the other members shall remain silent, unless raising a point of order or in personal explanation.
- 10.11 If the Mayor rises during a debate, all other members shall be seated and silent.
- 10.12 A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- 10.13 The speech of a member moving a motion (but not an amendment) shall not exceed five minutes and all other speeches shall not exceed three minutes, except by consent of the Council.
- 10.14 An amendment shall be either:-
- (i) to leave out words;
  - (ii) to leave out words and insert or add others;
  - (iii) to insert or add words or
  - (iv) to refer the matter to an appropriate body or individual for consideration or reconsideration.
- 10.15 An amendment shall not have the effect of negating the motion before the Council.
- 10.16 If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- 10.17 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 10.18 The mover of a resolution shall have a right to reply.
- 10.19 A member, other than the mover of a resolution, shall not, without leave of the Council speak more than once on any resolution (except to move an amendment or further amendment, or on an amendment, or on a point of order or in personal explanation, or to move the closure).
- 10.20 A member may rise to make a point of order or personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- 10.21 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.



10.22 When the motion is under debate, no other motion shall be moved except the following:-

- (i) to amend the motion;
- (ii) to proceed to the next business;
- (iii) to adjourn the debate;
- (iv) that the question be now put;
- (v) to not hear further a member named under standing order 12.3 or to exclude them from the meeting under standing order 12.3
- (vi) that the meeting continue beyond two hours in duration;
- (vii) that the motion be referred to a committee;
- (viii) to exclude the public and press;
- (ix) to adjourn the meeting.

## **11. CLOSURE**

11.1 At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council does now adjourn”. If such a motion is seconded and if the chairman is of the opinion that the question before the Council has been debated sufficiently (but not otherwise) he or she shall forthwith put the motion.

11.2 If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his or her right or reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

## **12. DISORDERLY CONDUCT BY MEMBERS**

12.1 All members of the Council must observe the Code of Conduct which was adopted by the Council on 11<sup>th</sup> June 2012 (amended in August 2012) a copy of which is annexed to these standing orders.

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

12.3 If, in the opinion of the Chair, a Member has broken the provisions of paragraph 12.2 above, the Chair shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard, or that the member named leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.



- 12.4 If either of the motions mentioned in paragraph 12.3 is disobeyed, the Chair may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

### **13. MOTIONS MOVED WITHOUT NOTICE**

Motions dealing with the following matters may be moved without notice:

- (a) to appoint a chair of the meeting.
- (b) to correct the minutes of the previous meeting.
- (c) to alter the order of business.
- (d) the referral of a matter to a committee.
- (e) appointment of a committee or members thereof.
- (f) that leave be given to withdraw a motion.
- (g) extending the time limit for speeches.
- (h) amendments to motions.
- (i) that the Council proceed to the next business.
- (j) that the question be now put.
- (k) that the debate be now adjourned.
- (l) that the Council does not adjourn
- (m) to authorise the sealing of documents.
- (n) suspending standing orders, in accordance with standing order 35.
- (o) motion under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, to exclude the public.
- (p) that a member named be not further heard or do leave the meeting.
- (q) giving consent of the Council where its consent is required by these standing orders.

### **14. MOTIONS MOVED WITH NOTICE**

- 14.1 Notice of every motion (other than a motion which may be moved without notice under standing order 13) shall be given in writing, signed by the member or members of the Council giving the notice, and delivered to the Town Clerk at least ten clear days before the next meeting of the Council.
- 14.2 The Town Clerk shall date and number each motion in the order in which it was received and maintain a record which shall be open to the inspection of every member of the Council.
- 14.3 The Town Clerk shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing when giving it that he or she proposed to move it at some later meeting, or has withdrawn it in writing.



- 14.4 Every motion shall be relevant to some matter in relation to which the Town Council has powers or duties or which affects its area.
- 14.5 If the Town Clerk receives notice of motion and has doubt as to the propriety of inserting it in the summons, it shall be submitted to the Chair who, if of the opinion that the motion is defamatory, frivolous or offensive, may direct such notice to be returned to the mover who will be advised that it will not be inserted in the summons.

## **15. PREVIOUS DECISIONS AND RESOLUTIONS**

- 15.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof bears the names of at least eight members of the Council.
- 15.2 When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months;
- 15.3 This standing order shall not, however, apply to motions moved in pursuance of a recommendation of a committee.

## **16. QUESTIONS BY MEMBERS**

- 16.1. A member of the Council may ask the Chairman of a committee any question on any report item of a committee submitted to the Council, whether for confirmation or for report.
- 16.2 A member of the Council may:
- (i) if notice in writing has been given to the Town Clerk at least ten clear days before the next meeting of the Council, ask the Chair or the chair of any committee any question on any matter in relation to which the Council has powers or duties or which affects the town; and
  - (ii) with the permission of the Chair, put to him, or to the chair of any committee any question relating to urgent business of which such notice has not been given, but a copy of any such question shall be delivered to the Town Clerk not later than two o'clock in the afternoon of the day of the meeting.
- 16.3 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.



16.4 An answer may take the form of:

- (i) a direct oral answer;
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (iii) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within 10 working days.

16.5 A member asking a question under Standing Order 16.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

**17. APPOINTMENT OF COMMITTEES**

17.1 The Council shall, at annual meetings, appoint standing committees as specified in Standing Order 18 and may at any time appoint such other committees as are necessary but, subject to any statutory provision on that behalf:-

- (i) shall not appoint any member of the committee so as to hold office later than the next annual meeting, and
- (ii) may, subject to standing order 13(e) at any time dissolve or alter the membership of a committee.

**18. MEMBERSHIP OF STANDING COMMITTEES**

18.1 The following shall be the standing committees of the Council (set out under Appendix B) and consist of the number of members indicated.

<b>Committee</b>	<b>No of Members</b>
Planning	7
Finance	5
Operations	5

18.2 The Chair and Vice Chair of the Council, ex officio, shall be voting members of every committee.



- 18.3 Every committee shall, at its first meeting, before proceeding to any other business, elect a Chair and may elect a Vice Chair, who shall hold office until the next Annual Meeting of the Council.

**19. REFERENCING UP**

Any three members of the Council may require that any item of business failing to be determined by a committee be “referenced-up” to the Council for consideration, provided that such right is exercised before debate commences on the next Agenda item.

**20. QUORUM OF COMMITTEES**

- 20.1 The quorum for meetings of committees shall be three and for meetings of sub-committees/working parties without delegated powers shall be two.

**21. VOTING OF COMMITTEES**

- 21.1 Standing order 6 shall also apply to meetings of committees and sub- committees, save that references to “the Mayor of the Council” shall be changed to “the Chair of the meeting”

**22. ORDER OF BUSINESS FOR COMMITTEES AND SUB-COMMITTEES**

- 22.1 At its first meeting, the first business of every committee and sub-committee shall be to elect a chair, and, if desired, a vice-chair, who shall hold office until the next annual meeting of the Council.

- 22.2 At every meeting other than the first meeting, the first business shall be to elect a chairman for the meeting if the chair and vice-chair are absent.

- 22.3 After the first business has been completed, the order of business shall be as follows:-

- (i) apologies for absence;
- (ii) declarations of interest;
- (iii) after consideration, to approve the signature of the minutes by the chairman as a correct record;
- (iv) to receive questions or statements from, and provide answers to, the public, in accordance with Standing Order 9;
- (v) to answer any questions from members under Standing Order 16
- (vi) to dispose of any business remaining from the last meeting;



- (vii) to consider any motions or reports referred from the Council or from another committee or officer of the Council;
- (viii) to receive the minutes of any sub-committees;
- (ix) to deal with any other business specified in the summons of the meeting.

**23. RULES OF DEBATE FOR COMMITTEES AND SUB-COMMITTEES**

- 23.1 Standing Orders 9, 10, 11 & 12 shall apply to committee and sub-committee meetings save that references to “the Mayor of the Council” and “the Council” shall be changed to references to “the Chair of the meeting” and “the committee” as appropriate.

**24. MEETINGS**

- 24.1 Meetings of the standing committees of the Council shall be held in accordance with the calendar of meetings approved by the Council from time to time.
- 24.2 Extraordinary meetings of a standing committee may be called by the Chair of that committee at any time. The summons to an extraordinary meeting shall set out the business to be considered and no other business shall be transacted at that meeting.

NB. All members will be sent the front sheet of the agenda/letter summoning meetings of sub-committees and working parties but not the supporting papers. Any member requiring the supporting papers for a particular agenda must contact the Town Clerk and request a set of the papers.

**25. APPOINTMENT OF SUB-COMMITTEES AND WORKING GROUPS**

- 25.1 Every standing committee may appoint sub-committees or working groups/parties for purposes to be specified by the committee.
- 25.2 The chair and vice-chair of the committee shall be a member of every sub-committee or working party/group appointed by it, unless they signify that they do not wish to serve.

**26. PRESENCE OF NON MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

- 26.1 Any member of the Council shall, unless the Council otherwise decides, be entitled to attend meetings of any committee or sub-committee or working group of which he or she is not a member, and may, at the discretion of the Chairman, speak, but not vote on, the matters under consideration.





26.2 A member who has proposed a motion which has been referred to any committee of which he or she is not a member, may explain the motion to the committee, but may not vote.

26.3 A member who attends a meeting of a committee of which he or she is not a member, shall withdraw from the meeting for confidential business unless they can show they need such access and need to know such information to enable them to carry out their duties as a member.

**27. DISCUSSIONS AND MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

27.1 If, at a meeting, there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has considered whether the press and public shall be excluded from the meeting.

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

28.1 The Public and the Press shall be admitted to all meetings of the Council and its Committees, which may however temporarily exclude the public or the press or both, by means of the following resolution:-

*“Members of the public and press be requested to leave the meeting to allow discussion of establishment, property and finance matters as it is considered publicity would be prejudicial by reason of the confidential nature of the business to be transacted.”*

28.2 If a member of the press or public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting room and/or that the part of the room open to the public be cleared.

28.3 Audio or video recording or photographs of meetings must be in accordance with the Council’s Protocol for recording meetings.

**29. CONFIDENTIAL BUSINESS**

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

29.2 The contents of any document or report which may be circulated to any member or members of the Council and which is marked “Confidential” shall not be disclosed to any other person or persons. Such documents will usually be on yellow paper.



- 29.3 Provided that the Town Clerk, having consulted the Mayor and, where appropriate, any committee chair, may agree to disclose the contents of any such document or report or any part of it at any time when, in his opinion, there is no longer any need for the document or report to be treated as confidential.

## **30. INSPECTION OF DOCUMENTS**

- 30.1 A member may for the purpose of his or her duty as such (but not otherwise) inspect any document in possession of the Council or any committee, and if copies are available shall, on request, be supplied, with a copy.
- 30.2 All minutes, agendas and reports kept by the Council and by any committee shall be open for inspection by any member of the Council.
- 30.3 The minutes, agendas and reports of the Council and its committees (except matters declared to be confidential) shall be open to inspection by any local government elector of the parish without charge.
- 30.4 All other documents of the Council shall be open to inspection in accordance with the Publication Scheme adopted by the Council.

## **31. UNAUTHORISED ACTIVITIES**

- 31.1 A member of the Council shall not in respect of any works, operations or activities which are being carried out by any Officers of the Council or by any persons whatsoever on behalf of the Council issue any order in connection or interfere in any way therewith, or claim by virtue of his or her membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

## **32. CODE OF CONDUCT AND INTERESTS**

- 32.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 11<sup>th</sup> June 2012 (amended August 2012), then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required (a copy of the code of conduct is annexed to these standing orders).
- 32.2 If a member who has declared a personal interest then considers the interest to be prejudicial, he or she must withdraw from the room or chamber during consideration of the item to which the interest relates.
- 32.3 The Town Clerk may compile and hold a register of member's interests, or a copy thereof, and in accordance with agreement reached with the Monitoring Officer of the Bath and North East Somerset Council and/or as required by statute.



32.4 The Town Clerk will keep a record of all declarations made by members at meetings of the Council, its committees, sub-committees and other bodies.

### 33. **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

33.1 If a candidate for any appointment under the Council is, to their knowledge, related to any member of, or the holder of any office under the Council, he or she and the person to whom he or she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails to do so shall be disqualified for such appointment and if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee or sub-committee any such disclosure. Where a relationship to a member is disclosed, the standing orders on interests of members in contracts and other matters shall apply.

33.2 Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this subparagraph of this standing order to every candidate.

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

33.4 Standing order 33 and its component parts shall apply to tenders as if the person making the Tender were a candidate for any appointment.

### 34. **SEALING OF DOCUMENTS**

34.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council or the appropriate Committee. The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of two Members who shall sign the document as witnesses and its use must be recorded in the Council's Seal Book along with details of the resolution authorising its use.

### 35. **VARIATION, REVOCATION OF STANDING ORDERS**

35.1 Any part of the Standing Orders, except those for which the text is in **bold** and *italics*, may be suspended by resolution in relation to any specific item of business.

35.2 A motion to vary or revoke a standing order permanently shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of



the Council. It will then become an agenda item and may be passed by a simple majority of all members present and voting.

**36. LIAISON WITH UNITARY COUNCILLORS**

36.1 A notice of meetings shall be sent to the unitary councillors for the divisions representing the town if so requested.

**37. DELEGATED POWERS**

37.1 Without prejudice to the Town Clerk's general managerial responsibilities, and save as provided in the scheme of delegation, no group of members, individual member or Officer shall have delegated power to take decisions on behalf of the Council save as provided by this standing order.

37.2 The Council may at any time, except as provided by statute, delegate its authority to deal with any particular matter under consideration to:

- (i) a committee or sub-committee **or**
- (ii) to an ad-hoc group of members (which shall consist of at least three) **or**
- (iii) to the Town Clerk.

**38. TENDERS AND CONTRACTS**

38.1 Standing order 33 shall apply to tenders and contracts for work as if the person making the tender or applying for a contract for work were a candidate for an appointment.

38.2 The Town Clerk shall record any notice given by any member or any officer of the council of a prejudicial interest in a contract or tender.

**39. PLANNING APPLICATIONS**

39.1 Every planning application notified to the Council shall be considered in accordance with the scheme of delegation adopted by the town council.

**40. CONTRACTS**

40.1 Where it is intended to enter into a contract exceeding £5,000 but not exceeding £25,000 in value for the supply of goods or materials or for the execution of works, the Town Clerk shall seek at least three quotations for consideration by the Council. Contracts in excess of £25,000 shall be subject to the full tendering procedure set out in the Council's procurement guide.

40.2 Where the value of the intended contract exceeds £25,000 notice shall be given in such newspapers and publications circulating in the areas of interest as the Council shall direct and on the website.



- 40.3 The notice shall state the general nature of the intended contract and shall in addition state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- 40.4 Tenders submitted are to be opened, after the stated closing date and time, by the Town Clerk or nominated officer and appointed member(s). The submitted tenders will be assessed by officers and a recommendation on the selection of a successful tenderer made to the member level body or officer who has delegated authority to select a successful tenderer. It is expected that the most economically advantageous tender will normally be accepted.
- 40.5 If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- 40.6 The Council is not bound to accept the lowest, or any, tender, estimate or quote.
- 40.7 Where the Council, or the appropriate committee, proposes to restrict the number of contractors submitting a tender, an invitation to persons interested to apply for inclusion on a select list of contractors in a specified period shall be made.

#### **41. COMPLAINTS PROCEDURE**

- 41.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner outlined in the Council's adopted Complaints Procedure, other than those complaints which should be properly directed to the Monitoring Officer or the Standards Board for England.

#### **42. RECORD OF ATTENDANCE AT MEETINGS**

- 42.1 The Town Clerk shall maintain a record of attendances in respect of meetings of the Council, its committees and sub-committees.
- 41.2 This record of attendance shall be reported to the Council at the annual meeting.

#### **43. DISTRIBUTION OF STANDING ORDERS**

- 43.1 A printed copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to them of the member's declaration of acceptance of office.

#### **44. CODE OF CONDUCT**



- 44.1 Members of the Council shall be bound by the Code of Conduct adopted by Midsomer Norton Town Council on 11<sup>th</sup> June 2012 (amended August 2012). The Code is reproduced as an appendix (Appendix A) to these standing orders.

**45. FINANCIAL REGULATIONS**

- 45.1 These standing orders shall be read in conjunction with the Councils Financial Regulations, as amended from time to time, and appended to these standing orders (Appendix C)

**46. INTERPRETATION**

- 46.1 The ruling of the Mayor of the Council or Chair of the Committee as to the construction or application of any of these standing orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council or Committee.

**Adopted by Council: 18<sup>th</sup> May 2015 (Minute Number: 20)**