

STANDING ORDERS

These Standing Orders were reviewed by the Town Council at its AGM on 15 May 2024, Minute 18/24-25.

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PREFACE

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

TOWN MAYOR

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional powers on the chairman, and in particular, has no implications for his conduct in meetings.

1. MEETINGS OF THE TOWN COUNCIL.

- a) Meetings of the Town Council shall be held at the Council's offices in each year on such dates and times and at such place as the Council may direct. **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) Smoking is not permitted at any meeting of the Council. All Council properties are No Smoking Areas.
- c) Mobile phones must be switched to silent, during all Meetings of the Council, committees and sub-committees.
- d) **Three clear days before a Meeting of the Town Council (not including the day of issue, the meeting day, 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):**
 - i) **Notice of the time and place of the Meeting shall be published at the Council's offices, which is signed by the Town Clerk, specifying the business proposed to be transacted thereat (usually in the form of an Agenda);**
 - ii) **Where a meeting is called by councillors', the Notice will be signed by those members, specifying the business proposed to be transacted thereat;**
 - iii) **The summons to attend a Meeting specifying the business to be transacted at the meeting and certified by the proper officer of the Council, shall be sent to every member of the council by an appropriate method.**
- e) Except in the case of business required by or under the Local Government Act 1972 or any other Act to be transacted at the Annual Meeting and other business brought before that Meeting as a matter of urgency in accordance with the Town Council's Standing Orders, no business shall be transacted at the Meeting other than that specified in the summons relating thereto.
- f) The minutes of a meeting shall record the names of councillors present and absent.
- g) All members are required to submit apologies, and the reason, for absence prior to the beginning of the meeting they refer to.

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2. THE STATUTORY ANNUAL MEETING.

- a) **In an election year the Annual General Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and;**
- b) **In a year, which is not an election year, the Annual General Council Meeting shall be held on any such day in May as the Council may direct (decided at the previous Annual Meeting).**
- c) **In an election year, if a Member(s) are unable to return their Declaration of Acceptance of Office at the Annual General Council Meeting then the Council will need to accept that it/they can be submitted at a later date.**
- d) **In addition to the Statutory Annual Town Council Meeting, at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

3. CHAIRMAN OF THE MEETING OF THE TOWN COUNCIL.

- a) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- b) **Subject to standing orders which indicate otherwise, anything authorized or required to be done by, to or before the Chairman may, in their absence be done by, to or before the Vice – Chairman (if any).**

4. PROPER OFFICER.

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he shall be the clerk or nominated officer: -

- a) To receive declarations of acceptance of office;
- b) To receive and record notices disclosing interests at meetings;
- c) To receive and retain plans and documents;
- d) To sign notices or other documents on behalf of the Council;
- e) **To receive copies of by-laws made by another local authority;**
- f) To certify copies of by-laws made by the Council;
- g) **To sign and issue the summons to attend meetings of the Council;**
- h) To keep proper records for all Council meetings;
- i) **To facilitate inspection of the minute book by local government electors.**

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5. QUORUM OF THE COUNCIL.

Three Members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

- a) If a quorum is not present when the Council meets, a maximum period of 10 minutes, from the advertised start time of the meeting, can be allowed in an effort to obtain a quorum.
- b) **If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum no business shall be transacted**, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
- c) The quorum of a sub-committee shall be one half of its members.

6. VOTING.

- a) **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- b) **Voting on any question shall be by a show of hands**, or, if at least two Members so request, by signed ballot. **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 must be made before moving on to the next business.
- c) **Subject to (i) and (ii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
 - (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 preserve the Membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
 - (ii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

7. ORDER OF BUSINESS.

- a) **At each Annual Town Council Meeting the first business shall be:**
 - i) **To elect a Town Mayor of the Council;**
 - ii) **To receive the Town 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 Town Mayor of the Council;**

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- vi) To receive the Deputy Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received;
- (vii) To appoint memberships of committees and sub-committees;
- viii) To appoint representatives to outside bodies;
- ix) To inspect any deeds and trust investments in the custody of the Council as required;

and shall thereafter follow the order set out in para (c) below;

- b) **At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- c) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
 - i) To read and consider the Minutes; provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
 - ii) After consideration to approve the signature of the Minutes by the person presiding as a correct record;
 - iii) To deal with business expressly required by statute to be done;**
 - iv) To dispose of business, if any, remaining from the last meeting.
 - v) If necessary, to authorise the signing of orders for payment.
 - vi) To receive and consider reports and minutes of committees.
 - vii) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - viii) To consider correspondence received by Council.
 - ix) To authorise the sealing of documents.
 - x) To answer questions from councillors.

8. URGENT BUSINESS.

A motion to vary the order of business on the grounds of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

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9. RESOLUTIONS MOVED ON NOTICE.

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least five clear working days before the next meeting of the Council.
- b) The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- c) The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- d) If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- f) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

10. RESOLUTIONS MOVED WITHOUT NOTICE.

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

- a) To appoint a Chairman of the meeting.
- b) To approve the absences of councillors.
- c) To approve the accuracy of the minutes of the previous meeting.
- d) To correct an inaccuracy of the minutes of the previous meeting.
- e) To dispose of business, if any, remaining from the last meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- e) To proceed to the next business on the agenda.
- f) To close or adjourn debate.
- g) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- h) To appoint a committee or sub-committee or any councillors thereto.
- i) To receive nominations to a committee or sub-committee.
- j) To dissolve a committee or sub-committee.
- k) To note the minutes of a meeting of a committee or sub-committee.
- l) To consider a report and/or recommendations made by a committee or a sub-committee or an employee..
- m) To extend the time limit for speeches.
- n) To exclude the press and public for all or part of a meeting.

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- o) To silence or eject from the meeting a councillor or member of the public for disorderly conduct.
- p) To give the consent of the Council if such consent is required by these Standing Orders.
- q) **To suspend any Standing Order except those which are mandatory by law.**
- r) To adjourn the meeting.
- s) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- t) To answer questions from councillors.

11. QUESTIONS.

- a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided five clear working days' notice of the question has been given to the person to whom it is addressed.
- b) No questions not connected with the business under discussion shall be asked except during the part of the meeting set aside for questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom a question has been put may decline to answer.

12. RULES OF DEBATE.

- a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- c) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- d) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- e) The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding five minutes and no other speech shall exceed five minutes except by consent of the Council.
- f) An amendment to a motion shall be either:
 - i) To leave out words.
 - ii) To leave out words and add other words
 - iii) To add words.

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- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration..
- h) If an amendment be carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
- k) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- l) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood.
- m) 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.
- n) When a resolution is under debate no other resolution shall be moved except the following:
 - i) To amend the resolution.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate.
 - iv) That the question be now put.
 - v) That a Member named be not further heard.
 - vi) That a Member named leave the meeting.
 - vii) That the resolution be referred to a committee.
 - viii) To exclude the public and press.
 - ix) To adjourn the meeting.
 - x) To suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- o) A Member shall remain seated when speaking unless requested to stand by the Chairman.
- p) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

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- q) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
- r) Whenever the Chairman speaks during a debate all other Members shall be silent.

13. CLOSURE.

At the end of any speech a Member may, without comment, move "*that the question be now put*", "*that the debate be now adjourned*" or "*that the Council do now adjourn*". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "*that the question be now put*", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "*that the question be now put*" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

14. CODE OF CONDUCT.

- a) All Members must observe the Code of Conduct, adopted by the Council.
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Town Clerk.
- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.
- e) Breaches of the Code of Conduct adopted by the Council shall be dealt with by the Town Clerk, in consultation with the Monitoring Officer, Dartford Borough Council.

15. RIGHT OF REPLY.

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

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16. RESCISSION / ALTERATION OF PREVIOUS RESOLUTION.

- a) A Member may, with the consent of his seconder, move amendments to his own resolution.
- b) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- c) When a special resolution or any other resolution moved under the provisions of paragraph (b) of this Order has been disposed of, no similar resolution may be moved within a further six months.

17. VOTING ON APPOINTMENTS.

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.

18. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.

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 decided whether or not the press and public shall be excluded. (See Standing Order No. 34(a)).

19. RESOLUTIONS ON EXPENDITURE.

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance & General Purposes Committee or of another Committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance & General Purposes Committee shall report on the financial aspect of the matters).

20. EXPENDITURE.

Orders for the payment of money shall be authorised by resolution of the Council in accordance with Financial Regulations.

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21. SEALING OF DOCUMENTS.

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) **The Council's Common Seal shall alone be used for sealing documents. It shall be applied and signed by the Town Mayor if present, or the Deputy Town Mayor, and Proper Officer in the presence of another member.**

22. SPECIAL MEETING.

- a) **The Chairman of the Council may convene a Special meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call a Special meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene a Special meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c) The Chairman of a committee may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

23. COMMITTEES AND SUB-COMMITTEES.

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) **May appoint persons other than Members of the Council to any committee except for the Finance & General Purposes Committee; and**
- c) May subject to the provisions of Standing Order 23 above at any time dissolve or alter the membership of committee.
- d) The Town Mayor and Deputy Town Mayor, ex-officio, shall be voting members of every Committee and therefore unable to substitute for members of Committees.
- e) Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

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- f) Members of the Council shall be allowed to attend any Meeting of the Town Council's Committee's or sub-committee's as Substitute for an absent Member of such committee or sub-committee (substitutes have to be nominated by the member that cannot attend) except for the Personnel Committee where no substitutes be allowed.
- g) An ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.

24. SUB-COMMITTEES.

- a) **Every committee may appoint sub-committees for purposes to be specified by the committee.**
- b) The Chairman and Vice-Chairman of the committee shall be Members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- c) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee shall be one-third of its Members and a sub-committee shall be one-half of its Members.
- d) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to committee and sub-committee meetings.

25. ADVISORY COMMITTEES – WORKING GROUPS.

- a) The Council may create advisory committees, whose name, and number of members (5) and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) **An advisory committee may consist wholly of persons who are not members of the Council.**
- e) That quorum for a Working Group to meet is 3 members.
- f) That substitutes be permitted and have to be nominated by the Working Group member that cannot attend.
- g) That at the creation of any Working Group it should be specified whether or not the Working Group is expected to act as a delegation to discuss matters and gather information on behalf of the Town Council.

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26. VOTING IN COMMITTEES.

- a) Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- b) **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

27. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS.

A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

28. ACCOUNTS AND FINANCIAL STATEMENT.

- a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the Finance & General Purposes Committee, or by the Proper Officer for payment with the approval of the Town Mayor or Deputy Town Mayor or Chairman of the Finance and General Purposes Committee.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- d) The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of May.

29. ESTIMATES / PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of the month of January.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 30 November.

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30. INTERESTS (ENGLAND).

- a) **If a member has a Disclosable Pecuniary Interest or Prejudicial Interest as defined by the Code of Conduct and Standing Order 43 adopted by the Council on 6 September 2012, then they shall declare such interest as per Standing Order 43. All such declarations shall be recorded in the minutes.**
- b) **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- c) If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Orders 30 (a), (b) (c) and (d) shall apply as appropriate.
- d) The Clerk shall make known the purpose of Standing Order 30 (c) to every candidate.

31. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS.

- a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.
- b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) Standing Order Nos. 30 (b) and 31 shall apply to tenders as if the person making the tender were a candidate for an appointment.

32. INSPECTION OF DOCUMENTS.

- a) A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

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These Standing Orders were reviewed by the Town Council at its AGM on 15 May 2024, Minute 18/24-25.

33. UNAUTHORISED ACTIVITIES.

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or subcommittee.

34. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS.

- a) **The press and public shall be admitted to all Meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the press and public which must be done by a resolution which shall give reasons for the public's exclusion.**
- b) The Council shall state the special reason for exclusion.
- c) At all meetings of the Council the Chairman may, at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting. Members of the public are allowed to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted. Public speaking shall be limited to three minutes per person / organisation, this may be extended (if appropriate) at the Chairman's discretion.
- d) A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an officer for a written response.
- e) **The Clerk shall afford to the press and public reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.**
- f). If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
- g) Any person who records, films, photographs, broadcasts or uses other communication methods in such a way as to be disruptive to the conduct of the meeting or the decision making process, will be asked by the Mayor or the Chairman to desist from such behaviour with immediate effect. Standing Order 34 (f) will be applied where the person fails to comply with the Mayor or Chairman's instruction.
- h) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

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35. CONFIDENTIAL BUSINESS.

- a) No member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council, subject to any decision made as per Standing Order 14 (e).

36. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS.

- a) A list of the scheduled meetings, as agreed at the AGM shall be sent, as way of an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.
- b) At the discretion of the Clerk a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

37. PLANNING APPLICATIONS.

The Clerk shall, as soon as it is received, keep a records of the following particulars of every planning application notified to the Council:

- i) the date on which it was received
- ii) the name of the applicant
- iii) the place to which it relates;

38. FINANCIAL MATTERS.

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Such Regulations shall include detailed arrangements for the following:
 - i) the accounting records and systems of internal control;
 - ii) the assessment and management of risks faced by the Council;
 - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - iv) the financial reporting requirements of members and local electors and
 - v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.
- b) **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**

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means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

- c) Any formal tender process shall comprise the following steps:
- i) a public notice of intention to place a contract to be placed in a local newspaper;
 - ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii) a copy of the specification of works shall be added to the 'Contracts Finder' website.
 - iv) tenders are to be sent, in a sealed marked envelope, to the Responsible Financial Officer by a stated date and time;
 - v) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and/or Responsible Financial Officer and at least one Member of Council;
 - vi) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- d) The Council, nor any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 30 (e), 31 regarding improper activity.
- e) The Financial Regulations of the Council shall be subject to an annual review
- 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.**

39. CODE OF CONDUCT ON COMPLAINTS.

The Council shall deal with complaints of misadministration allegedly committed by the Council or by any Officer or Member in such manner as adopted by the Council.

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40. GENERAL POWER OF COMPETENCE (GPC).

- a) Before exercising the GPC, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution above was made and the council is then required to revisit that decision and make a new resolution at every annual meeting of the council after the ordinary election that normally takes place every four years (the confirmation does NOT have to take place every year).

41. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

42. STANDING ORDERS.

- a) A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.
- b) The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- c) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

43. INTERESTS OF MEMBERS.

- (1) **A member with a Disclosable Pecuniary Interest (DPI) or Prejudicial Interest in a matter to be considered, or being considered at a meeting must:**
 - a) **disclose the interest; and**
 - b) **explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent; unless he/she has been granted a dispensation:**
 - c) **not participate in any discussion of, or vote on, the matter at the meeting; and**
 - d) **withdraw from the meeting room whenever it becomes apparent that the business is being considered; and**
 - e) **not seek improperly to influence a decision about that business.**

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- (2) **Unless a dispensation has been granted where a Member with a DPI or Prejudicial Interest in a matter under discussion, chooses to participate in the discussion and vote, the Town Mayor / Chairman may refuse to count the “vote” of the member concerned, for the “vote” will have been cast illegally and cannot be considered to be a vote at all.**
- (3) **A dispensation may be granted in accordance with standing order 43(2) 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.**
- (4) The Town Mayor / Chairman may request that a member declare a DPI or Prejudicial Interest in a matter under discussion, and, leave the room, should he/she have reason to believe that the provisions of the Code of Conduct and / or this Standing Order are being breached. The Town Mayor / Chairman may apply the rules in Standing Order 14 relating to “*code of conduct*”.
- (5) Where a DPI has been agreed by the Town Clerk as being a Sensitive Interest, the member need only to disclose the existence of the interest but not its nature.
- (6) Notification of Interests

The Town Clerk must be notified of any DPI before the end of 28 days beginning with the day a member becomes a member or voting co-opted member of the Town Council, or before the end of 28 days beginning with the day on which the Code of Conduct takes effect (whichever is the later). In addition, a member must, before the end of 28 days beginning with the day they become aware of any DPI or change to any interest already registered, register details of that new interest or change, by providing written notification to the Town Clerk.

(7) Requests for Dispensations (Interests)

A member’s request for a dispensation must be made using the “Dispensation Request Form” and submitted to the Town Clerk not less than 1 clear working day before the meeting it is needed for. All requests for dispensation must include :

- The name of the applicant;
- The description (e.g. Disclosable pecuniary interest or other) and the nature of the interest;
- Whether the dispensation is for the member to participate in a discussion only or a discussion and a vote;

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- The date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought and
- An explanation as to why the dispensation is sought.

- (8) Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Councillors / Co-opted members. Interests must be recorded and capable of audit.
- (9) Members attending meetings to present petitions will declare any interests in a manner specified in this Standing Order.

44. REGISTRATION AND DECLARATION OF A GIFT, BENEFIT OR HOSPITALITY.

Any member receiving a gift, benefit or hospitality in the course of their duties as a Town Councillor, with a value of £100.00 or more should notify the full details as soon as is possible to the Town Clerk, in writing. Each gift, benefit or hospitality with a value of £100.00 or more will be reported to the next full council meeting.

45. RECORDING, FILMING, PHOTOGRAPHING, BROADCASTING AND/OR ORAL COMMENTARY BY THE PRESS AND/OR PUBLIC.

- (i) **The press and public may, during the whole or part of a meeting of the Council, Committees, Sub-committees, that is open to the public:**
- (a) **film, photograph, record and broadcast the proceedings;**
 - (b) **use other means for enabling persons not present at the meeting, to see or hear proceedings, as it takes place or later;**
 - (c) **in writing only, report or provide commentary on the proceedings, so that the written report or written commentary is available, as the meeting takes place or later, to persons not present at the meeting.**
- (ii) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**(iii) If it is resolved to exclude the press and public in accordance with Standing Order 34 (a) (b), all rights to film, photograph, record and broadcast the meeting will be rescinded and recording equipment used for the purpose of reporting the meeting, removed from the meeting room.
- (iv) Where a member of the public is permitted to address a meeting, the Mayor (in the case of a meeting of the Council) or Chairman (in the case of a meeting of a Committee, Sub-committee), will ask the individual to give their express permission to being filmed, recorded, photographed or appear in a broadcast. Where permission is refused, the Mayor or Chairman will instruct that, whilst the person is addressing the meeting, any recording, filming, photographing, broadcast or the use of other communication methods, cease with immediate effect. Failure of any person to comply with this instruction will be deemed to constitute disruptive behaviour in accordance with para.5 of the Policy on Recording, Filming, Photographing and Broadcasting Swanscombe and Greenhithe Town Council Meetings.

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- (v) In the event that the activity is carried out in a manner that disrupts and/or interferes with the proper conduct of the meeting, the Mayor or the Chairman may at any time withdraw consent to film, record, photograph, broadcast or to the use of other communication methods. The Mayor or Chairman's ruling is final.

46. MANAGEMENT OF INFORMATION & DATA PROTECTION

- 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.**
- e) **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.**
- f) **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- g) **The Council may appoint a Data Protection Officer.**
- h) **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- i) **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- j) **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.**

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- k) 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.**
- l) The Council shall maintain a written record of its processing activities.**

