



Newmarket
T O W N C O U N C I L

Standing Orders

Constitution

Newmarket Town Council

Document Number NTC2.1

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INTRODUCTION AND DEFINITIONS

1.1 Introduction

These standing orders are based on the most recent NALC model, last updated in 2020.

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 and these standing orders reference many statutory requirements to which councils are subject. The statutory requirements to which a council is subject apply whether or not they are incorporated into the standing orders.

Standing orders are one of the three principal governing policy documents of the council providing procedure guidance for councillors and officers. They must be observed in conjunction with the financial regulations and Code of Conduct.

Some of the standing orders are mandatory because they reflect requirements of Acts of Parliament and subsequent regulations. For ease of reference, the orders or parts of orders concerned are printed in **bold type**, with a citation to the relevant legislation. The standing orders in bold type may not be amended unless the legislation out of which they are born changes. Standing orders not in bold are designed to help the council operate effectively but they do not contain statutory requirements.

Unless the context suggests otherwise, any references to the male gender in these standing orders include the female gender.

1.2 Definitions

Certain terms are used throughout these standing orders. These terms and their definitions for the purposes of these standing orders are set out below.

“Amendment” shall mean a proposal to remove or add words to a motion.

“Council” shall mean **NEWMARKET TOWN COUNCIL** unless otherwise indicated.

“Chair” and “Vice chair” refer to the offices of the mayor and deputy mayor of the council, except in relation to the person chairing a meeting of the council in the absence of the mayor and deputy mayor, or the person chairing a committee, sub-committee, or working group.

“Committee”, except where the content indicates otherwise, also refers to a sub-committee or a working group.

“Councillor” refers, except where the content suggests otherwise, a person elected or co-opted onto the council, or a person who is not a councillor but who is a member of a committee with or without voting rights.

“Financial Regulations” are the standing orders to regulate and control the financial affairs and accounting procedures of the council. The financial regulations, as opposed to the standing orders of the council, include most of the requirements relevant to the responsible financial officer.

“Motion” shall mean a matter to be decided by the council or committee.

“Mover” shall mean a councillor who proposes a motion.

“Resolution” is a decision lawfully made by the majority of those present and voting at a council, or committee meeting.

“Second” means to formally support a motion so that it may be debated and put to the vote.

“Seconder” shall mean a councillor who formally seconds a motion.

“Substantive motion” shall mean the motion after all amendments have been considered and is the final one put to the vote.

MEETINGS OF THE FULL COUNCIL

2.1 Meetings generally

- 1. 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.**
- 2. The minimum three clear days 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.**
- 3. 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.**
- 4. 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.**
- 5. A councillor or 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 in accordance with the standing orders in Section 5.1.**
- 6. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the chair of the council may in his absence be done by, to or before the vice-chair of the council (if there is one).**
- 7. The chair of the council, if present, shall preside at a meeting. If the chair is absent from a meeting, the vice-chair of the council (if there is one) if present, shall preside. If both the chair and the vice-chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- 8. Meetings shall not exceed a period of two hours but with the agreement of the meeting, the chair may propose an extension of 30 minutes which shall be voted on without discussion.**

9. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
10. A person who speaks at a meeting shall direct their comments to the chair of the meeting.
11. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.

2.1.1 Admission of the Public and Press to meetings

12. **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.**
13. **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.**

2.1.2 Recording of Meetings

14. **Subject to standing order 15, 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.**
15. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

2.1.3 Minutes of Meetings

16. 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.**

2.1.4 Draft Minutes

- 17. 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.
- 18. 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 59(i).
- 19. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution, and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 20. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair 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”.

2.2 The Annual Meeting of the Council

- 21. 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.**
- 22. 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.**
- 23. If no other time is fixed, the annual meeting of the council shall take place at 6pm.**

2.2.1 First Business of the Council

- 24. The first business conducted at the annual meeting of the council shall be the election of the chair and vice-chair (if there is one) of the council.**
- 25. The chair of the council, unless they have resigned or become disqualified, shall continue in office, and preside at the annual meeting until their successor is elected at the next annual meeting of the council.**
- 26. The vice-chair of the council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the chair of the council at the next annual meeting of the council.**
- 27. In an election year, if the current chair of the council has not been re-elected as a member of the council, they shall preside at the annual meeting until a successor chair of the council has been elected. The current chair of the council shall not have an original vote in respect of the election of the new chair of the council but shall give a casting vote in the case of an equality of votes.**
- 28. In an election year, if the current chair of the council has been re-elected as a member of the council, they shall preside at the annual meeting until a new chair of the council has been elected. They may exercise an original vote in respect of the election of the new chair of the council and shall give a casting vote in the case of an equality of votes.**

2.2.2 Order of Business – Annual Meeting

- 29. Following the election of the chair of the council and vice-chair (if there is one) of the council at the annual meeting, the business shall include:**
 - i. in an election year, delivery by the chair of the council 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 chair of the council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. to receive any declarations of interest and note any dispensation requests;
 - iii. confirmation of the accuracy of the minutes of the last meeting of the council;
 - iv. receipt of the minutes of the last meeting of a committee;
 - v. consideration of the recommendations made by a committee;

- vi. review of delegation arrangements to committees, sub-committees, staff, and other local authorities;
- vii. review of the terms of reference for standing committees;
- viii. allocation of members to existing standing committees;
- ix. appointment of any new standing committees in accordance with standing orders in sections 3.1 to 3.5;
- x. review and adoption of appropriate standing orders and financial regulations;
- xi. review of arrangements (including legal agreements) with other local authorities, not-for-profit organisations, and businesses.
- xii. review of representation on or work with external bodies and arrangements for reporting back;
- xiii. in an election year, to make arrangements for the council becoming eligible to exercise the general power of competence in the future;
- xiv. review of inventory of land and other assets including buildings and office equipment;
- xv. confirmation of arrangements for insurance cover in respect of all insurable risks;
- xvi. review of the council's and/or staff subscriptions to other bodies;
- xvii. review of the council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence;
- xviii. determining the time and place of ordinary meetings of the council up to and including the next annual meeting of the council;
- xix. to consider any other matters specified in the summons.

2.3 The Annual Meeting of the Town

- 30. The Council will facilitate the annual Town Meeting, to be held between the 1st March and 1st June (both inclusive) each year.
- 31. The Town Council will fix the day and time of the Town Meeting but it must not commence earlier than 6pm.
- 32. At least 7 days public notice must be given of the meeting, specifying the time and place thereof and the business to be transacted.
- 33. The press and public have the same rights of admission as they have to a meeting of the Town Council.
- 34. The Town Mayor, if present presides at the Town meeting or in their absence the Deputy Mayor. If neither are present, the meeting elects a chairman from the local government electors for the Town who are present.

2.4 Council Meetings (other than the Annual Meeting)

2.4.1 Order of Business

35. At every meeting the first business shall be to appoint a person to preside if the chair and deputy chair may be absent, in accordance with standing order 7.
36. After the first business has been completed, the business shall include:
 - i. to receive any declarations of interest and note any dispensation requests;
 - ii. to confirm the accuracy of draft minutes, including any amendment(s) made to them, in accordance with standing orders 17 to 20;
 - iii. public participation;
 - iv. to receive petitions (if any);
 - v. to receive minutes and reports and consider recommendations from committees;
 - vi. to consider reports from county councillors and district councillors;
 - vii. to consider reports from ward councillors;
 - viii. to consider reports from councillors representing the authority on outside bodies;
 - ix. to receive the mayor's report;
 - x. to consider motions in the order in which they have been notified;
 - xi. to consider any other matters specified in the summons;
 - xii. to receive correspondence for information; and
 - xiii. to consider confidential and exempt matters.

2.5 Extraordinary Meetings of the Council

37. **The chair of the council may convene an extraordinary meeting of the council at any time.**
38. **If the chair of the council 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.**

2.6 Quorum of the Council

- 39. No business may be transacted at a meeting unless at least six members of the council are present.**
- 40. 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.

See standing order 100.iv for the quorum of a committee or sub-committee meeting.

2.7 Public Participation

Subject to standing order 42, this is the only time members of the public may contribute during a meeting.

41. Members of the public may make representations, ask questions, and give evidence at a meeting which they are entitled to attend.
42. Members of the public who are also members of working groups will be permitted to contribute to debate on items at meetings of the committee that the working group report to, at the discretion of the chair.
43. The period of time designated for public participation at a meeting in accordance with standing order 41 shall not exceed 15 minutes unless directed by the chair of the meeting.
44. Subject to standing order 43, a member of the public shall not speak for more than 3 minutes.
45. In accordance with standing order 41, a question shall not require a response at the meeting. The chair of the meeting may direct that a written or oral response be given.

2.8 Petitions

46. At any meeting, any member of the council may present a petition, signed by persons other than Members of the council, which is relevant to some matter for which the council has a responsibility, or which affects the town.
- i. A councillor wishing to present a petition shall give notice of his intention to do so to the proper officer at least twenty-four hours before the beginning of the meeting at which it is to be presented.
 - ii. The presentation of a petition shall last for no more than three minutes.

- iii. No discussion will take place on any petition, but any councillor may move that a matter raised by a petition be referred to a future meeting of the council or a committee as appropriate. Once seconded, such a motion will be voted on without discussion.

2.9 Confidential Business

47. No member of the council or of any committee shall disclose to any person not a member of the council, any business declared to be confidential by the council or the committee.

2.10 Voting

48. **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.**
49. **The chair 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 they gave an original vote.**
See standing orders 27 and 28 for the different rules that apply in the election of the chair of the council at the annual meeting of the council.
50. **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 a vote is taken.

2.11 Motions

2.11.1 Motions Where Written Notice is Required

51. A motion shall relate to the responsibilities of the meeting for which it is tabled and 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.
52. 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.

53. The proper officer may, before including a motion on the agenda received in accordance with standing order 52, correct obvious grammatical or typographical errors in the wording of the motion.
54. If the proper officer considers the wording of a motion received in accordance with standing order 52 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 5 clear days before the meeting.
55. If the wording or subject of a proposed motion is considered improper, the proper officer shall consult with the chair 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.
56. The decision of the proper officer as to whether or not to include the motion on the agenda shall be final.
57. Motions received shall be recorded and numbered in the order that they are received.
58. Motions rejected shall be recorded with an explanation by the proper officer of the reason for rejection.

2.11.2 Motions that do not Require Written Notice

59. 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 make a proposal (or motion) arising from a discussion about an item on the agenda;
 - iii. to move to a vote;
 - iv. to defer consideration of a motion;
 - v. to refer a motion to a particular committee or sub-committee;
 - vi. to appoint a person to preside at a meeting;
 - vii. to change the order of business on the agenda;
 - viii. to proceed to the next business on the agenda;
 - ix. to require a written report;
 - x. to appoint a committee, sub-committee or working group and their members;
 - xi. to extend the time limits for speaking;
 - xii. to exclude the public and press from a meeting in respect of confidential or other information which is prejudicial to the public interest;

- xiii. to not hear further from a councillor or a member of the public;
- xiv. to exclude a councillor or member of the public for disorderly conduct;
- xv. to temporarily suspend the meeting;
- xvi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvii. to adjourn the meeting; or
- xviii. to close the meeting.

2.11.3 Closure Motions

60. Before an original or substantive motion is put to the vote, the chair 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 their right of reply.
(See also standing order 63)

2.12 Rules of Debate

2.12.1 Motions and Amendments

61. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
62. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
63. 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 a 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.

2.12.2 Content and Length of Speeches

64. Excluding motions moved under standing order 63, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chair of the meeting.

2.12.3 When a Member May Speak Again

65. The mover of an amendment has no right of reply at the end of debate on it.
66. Unless permitted by the chair 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 they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.

2.12.4 Amendments to Motions

67. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
68. 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.
69. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if required by the chair of the meeting, is expressed in writing to the chair.
70. A councillor may move an amendment to their 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.
71. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
72. Subject to standing order 73, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
73. One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
74. A councillor may not move more than one amendment to an original or substantive motion.
75. 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.

2.12.5 Withdrawal of a Motion

76. A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
77. 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.

2.12.6 Point of Order

78. 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.
79. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
80. A personal explanation shall be confined to some material part of a former speech, which may appear to have been misunderstood in the present debate. The explanation should be based on fact and not on opinion.
81. A point of order shall be decided by the chair of the meeting and their decision shall be final.

2.13 Disorderly Conduct at Meetings

82. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
83. If a person or persons disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair 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.
84. If a resolution made under standing order 83 is ignored, the chair 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.

2.14 Standing Orders Generally

85. 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.
86. 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 4 councillors to be given to the proper officer in accordance with standing orders 51 to 58.

87. Standing order 86 will not apply where the motion to add to or vary or revoke one or more of the council's standing orders is a recommendation from a written report on a review of standing orders from the council, a committee or sub-committee.
88. The proper officer shall provide a copy of the council's standing orders to a councillor as soon as possible.
89. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

2.15 Previous Resolutions

90. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by a majority of elected councillors to be given to the proper officer in accordance with standing orders 51 to 58, or by a motion moved in pursuance of the recommendation of the planning committee.
91. When a motion moved pursuant to standing order 90 has been disposed of, no similar resolution may be moved within a further six months.

2.16 Voting on Appointments

92. 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 chair of the meeting.

COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS

3.1 Committees, Sub-committees and Working Groups Generally

- 93. Unless the council determines otherwise, a committee may appoint a sub-committee or working group whose terms of reference and members shall be determined by the committee.**
- 94. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- 95. Unless the council determines otherwise, all the members of a working group appointed by the council and a sub-committee of that working group may be non-councillors.**
- 96. The minimum three clear days' public notice for a committee meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
97. In the interests of focused attention to specific areas of concern it is the policy of the council to set up working groups to research issues and make recommendations to either standing committees or the council, with specific terms of reference but without any decision-making authority. Usually working groups will operate on a task and finish basis.
98. Every committee and sub-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.
99. No member of a standing committee shall hold office later than the next annual meeting.
100. 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 determine the place, notice requirements, and quorum for a meeting of a committee, sub-committee or working group which, in any case, shall be no less than three;
 - v. shall determine if the public may participate at a meeting of a committee;

- vi. shall determine if the public and press are permitted to attend the meetings of a sub-committee or working group and also the advance public notice requirements, if any, required for the meetings of a sub-committee or working group;
 - vii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend;
 - viii. may dissolve a committee or sub-committee;
 - ix. shall make the allocation of members to standing committees at the annual meeting of the council; and
 - x. all members of the council are allowed to sit on any standing committee, except for the Human Resources committee, which shall be limited to the chair and deputy chair of the council and 7 additional members. Should there be an oversubscription to the human resources committee, a ballot will be used to decide membership. The remaining members who are not on the human resources committee may be required to form an appeals committee or disciplinary committee.
101. The agenda for committee meetings shall be sent to all councillors and such members of the press who request notification of meetings.

3.2 Extraordinary Meetings of Committees.

102. The chair of a committee may convene an extraordinary meeting of the committee at any time.
103. If the chair of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of the committee.

3.3 Applicability of Standing Orders

104. The following standing orders from Section 2 shall apply to committee meetings, and working groups that are appointed by, and report to, the full council.
- i. standing orders 3, and 12 to 15 (Admission of the public and press to meetings);
 - ii. standing order 5 (Code of Conduct);
 - iii. standing order 47 (Confidential Business);
 - iv. standing orders 8 to 11 (Meetings generally);
 - v. standing orders 16 to 20 (Minutes);
 - vi. standing orders 51 to 84 (Motions and Rules of Debate);
 - vii. standing orders 41 to 45 (Public participation);
 - viii. standing order 89 (Decision of chair to applicability of standing orders); and

- ix. standing orders 48 and 49 (Voting).

Standing orders 41 to 45 (Public participation) shall not apply unless the terms of reference for the committee permit, in accordance with standing order 100.vi and vii.

105. The following standing orders from Section 2 shall apply to sub-committee meetings.

- i. standing orders 12 to 15 (Admission of the public and press to meetings);
- ii. standing order 5 (Code of Conduct);
- iii. standing order 47 (Confidential Business);
- iv. standing order 8 to 11 (Meetings generally);
- v. standing orders 16 to 20 (Minutes);
- vi. standing orders 51 to 84 (Motions and Rules of debate);
- vii. standing orders 41 to 45 (Public participation); and
standing orders 48 and 49 (Voting).

Standing orders 12 to 15 (Admission of the public and press to meetings) and 41 to 45 (Public participation) shall not apply unless the terms of reference for the sub-committee permit, in accordance with standing order 100.vi and vii.

106. The following standing orders from Section 2 shall apply to working groups that are appointed by committees.

- i. standing orders 12 to 15 (Admission of the public and press to meetings);
- ii. standing order 5 (Code of Conduct);
- iii. standing order 47 (Confidential Business);
- iv. standing orders 8 and 9 (Meetings generally);
- v. standing orders 41 to 45 (Public participation); and
- vi. standing orders 48 and 49 (Voting).

Standing orders 12 to 15 (Admission of the public and press to meetings) and 41 to 45 (Public participation) shall not apply unless the terms of reference for the working group permit, in accordance with standing order 100.vi and vii

3.4 Presence of Non-members of Committees at Committee and Sub-committee Meetings

107. A councillor who has proposed a resolution which has been referred to any committee or sub-committee of which they are not a member, may attend to explain their motion to the committee or sub-committee but shall not vote. The chair at their discretion may invite the councillor to participate in the debate on that item.
108. Any councillor shall be entitled to be present as a spectator at the meetings of any committee or sub-committee of which they are not a member, except if a resolution has been passed to exclude the public and press. The councillor may speak on any item on the agenda with the permission of the chair but may not join in the debate or vote.

3.5 Scheme of Delegation to Committees

109. Committees shall conform to their terms of reference.

PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER

4.1 Scheme of Delegation

110. The proper officer, responsible financial officer and other officers of the council shall have the authority given to them under the council's scheme of delegation.

4.2 Town Clerk

111. The clerk is employed by the council and answers to the council as a whole. The clerk manages all other staff that may be employed by the council. No one councillor or informal group of councillors can act as the line manager of either the clerk or other employees of the council, and the clerk is not answerable to any individual councillor, not even the chair of the council.

4.3 Proper Officer

112. The proper officer shall be either (i) the town 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.

113. The proper officer shall:

- i. **at least three clear days 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 (provided the councillor has consented to service by email); 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 2 for the meaning of clear days for a meeting of a full council and standing order 96 for the meaning of clear days for a meeting of a committee;

- ii. subject to standing orders 51 to 58, 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 their withdrawal of it;
- iii. **convene a meeting of the council for the election of a new chair of the council, occasioned by a casual vacancy in that office;**
- iv. **facilitate inspection of the minute book by local government electors;**

- v. receive and retain copies of byelaws 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 (if there is one);
- 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 orders 140 and 141).
- 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. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the chair or in their absence vice-chair (if there is one) of the planning and development committee 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 planning and development committee;
- 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 orders 140 and 141).

4.4 Responsible Financial Officer

114. The council shall appoint appropriate staff member(s) to undertake the work of the responsible financial Officer when the responsible financial officer is absent.

CODE OF CONDUCT AND DISPENSATIONS

5.1 Code of Conduct

See also standing order 5.

115. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
116. Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
117. Unless they have 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 they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
118. **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.
119. A decision as to whether to grant a dispensation shall be made by the proper officer and that decision is final.
120. 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.
121. Subject to standing orders 118 and 120, a dispensation request shall be considered by the proper officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
122. **A dispensation may be granted in accordance with standing order 119 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.**

5.2 Code of Conduct Complaints

123. Upon notification by West Suffolk 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 orders 148 to 151, report this to the council.
124. Where the notification in standing order 123 relates to a complaint made by the proper officer, the proper officer shall notify the chair of council of this fact, and the chair 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 126.
125. 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.
- 126. Upon notification by West Suffolk 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.**

EXPENDITURE AND FINANCIAL REGULATIONS

6.1 Accounts and Accounting Statements

127. “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local councils – a Practitioners’ Guide”.
128. All payments by the council shall be authorised, approved, and paid in accordance with the law, proper practices, and the council’s financial regulations.
129. 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 and
- which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
130. As soon as possible after the financial year end on 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 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
131. 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.

6.2 Financial Controls and Procurement

132. 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.
133. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
134. **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 137 below 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 unless it proposes to use an existing list of approved suppliers (framework agreement).**
135. 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.
136. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
137. **A public contract regulated by the *Public Contracts Regulations 2015* 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.**
138. **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 shall comply with the relevant procurement procedures and other requirements in the *Utilities Contracts Regulations 2016*.**

MISCELLANEOUS

7.1 Communicating with District and County Councillors

139. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County council representing the area of the council.

7.2 Execution and Sealing of Legal Deeds

See also standing orders 113.xii and 113.xvii.

140. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
141. **Subject to standing order 140, any two councillors may sign, on behalf of the council, any deed required by law and the proper officer shall witness their signatures.**

7.3 Handling Staff Matters

142. A matter personal to a member of staff that is being considered by a meeting of council or the human resources committee is subject to standing orders 148 to 151.
143. The town clerk's performance review will be conducted by the chair of the human resources committee and the chair of the council in accordance with the performance management policy.
144. 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 chair of the human resources committee or in their absence, the vice-chair of the human resources committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the human resources committee.
145. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the town clerk relates to the chair or vice-chair of the human resources committee, this shall be communicated to another member of the human resources committee, which shall be reported back and progressed by resolution of the human resources committee.
146. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance, or disciplinary matters.

147. In accordance with standing order 148, persons with line management responsibilities shall have access to staff records referred to in standing order 146.

7.4 Management of Information

See also standing orders 153 and 154.

- 148. 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.**
- 149. 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*).**
- 150. 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.**
- 151. Councillors, staff, the council's contractors, and agents shall not disclose confidential information or personal data without legal justification.**

7.5 Relations with the Press and Media

152. 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.

7.6 Responsibilities to Provide Information

See also standing orders 155 to 160.

- 153. 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.**
- 154. The council shall publish information in accordance with the requirements of the *Local Government (Transparency Requirements) (England) Regulations 2015*.**

7.7 Responsibilities Under Data Protection Legislation

Below is not an exclusive list. See also standing orders 148 to 151.

155. The council may appoint a Data Protection Officer.
- 156. The council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- 157. The council shall have a written policy in place for responding to and managing a personal data breach.**
- 158. 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.**
- 159. 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.**
- 160. The council shall maintain a written record of its processing activities.**

7.8 Restrictions on Councillor Activities

161. 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.

REMOTE MEETING PROTOCOL AND PROCEDURES

The *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020* allow local councils to hold remote meetings. The regulations give automatic authority to hold remote meetings and amend standing orders as required. These regulations remain in force until May 7th, 202 unless otherwise repealed or amended.

8.1 General

The provisions of Sections 8.1 to 8.8 should be read in conjunction with the existing standing orders.

The regulations made under the *Coronavirus Act 2020 s.78* apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

8.2 Access to Information

162. Where a document is required to be 'open to inspection' this shall include published on the website of the council.
163. Where a document is required to be published and made available at the council's offices, this shall include published on the website of the council.
164. Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

8.3 Remote Access to Meetings

165. The definition of meeting within the council's standing orders is amended so that
 - i. 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital, or virtual locations such as internet locations, web addresses or conference call telephone numbers;
 - ii. 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting, and interactive streaming; and
 - iii. where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person
166. If the council becomes aware that the ITS technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.

167. If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

8.4 Councillors in Remote Attendance

168. A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
- i. hear and where practicable see other members of the council; and
 - ii. hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the chair.
169. A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 168 are not met.
170. Subject to 169 the chair may if appropriate:
- i. adjourn the meeting to permit conditions for remote attendance to be re-established; and
 - ii. count the number of councillors in attendance for the purpose of the quorum.

8.5 Remote Attendance by Members of the Public

171. A member of the public is in remote attendance when they can:
- i. hear and where practicable see and so be heard and where practicable seen by members of the council at the meeting; and
 - ii. hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the chair.
172. A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 171 above are not met.
173. Subject to 172 above the chair may if appropriate:
- i. adjourn the meeting to permit conditions for remote attendance to be re-established; and
 - ii. vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

8.6 Remote Voting

174. Unless a recorded vote is demanded, the chair will take the vote by:

- i. confirmation of the meeting that there is agreement; or
- ii. a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

8.7 Code of Conduct – Councillors Excluded from the Meeting

175. Where a councillor is required to leave the room as a requirement of the council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

8.8 Exclusion of the Public and Press

176. Where the council has resolved to exclude the public and press from any part of the meeting, due to the confidentiality of the business to be discussed then:

- i. the means of remote attendance and access to the meeting by members of the public and press will be severed; and
- ii. each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.

APPENDIX A: COUNCILLORS GUIDE

1 Roles and Responsibilities

It is important that all councillors understand their roles and responsibilities (set out below) to avoid any misunderstandings that may lead to conflict later. Councillors bring different skills, have different attitudes, and need to work as an effective team. The town clerk is there to provide advice and implement the council's decisions. The town clerk is termed the 'proper officer' answerable only to the council as a whole, the employer. The town council also employs a responsible financial officer who is charged with the management of the council's finances. These are professional paid officers and have considerable decision-making powers delegated to them to ensure the effective discharge of the council's functions and services. The advice of the town clerk is important and should always be a councillor's first point of contact.

The term of office of councillors is four years commencing on the fourth day after the ordinary day of election and ending on the fourth day after the next ordinary election. The ordinary day of election is the first Thursday in May or such other day as may be fixed by the Secretary of State by order. A person elected as a councillor cannot act in that capacity until they have signed a declaration of acceptance of office and delivered it to the town clerk. If the declaration is not made and delivered within two months from the day of the election, the office of the person elected becomes vacant.

1.1 Councillors' Duties

Councillors have the following duties set out in law:

- Must sign a declaration of acceptance of office, agree to abide by the council's code of conduct as adopted and register any disclosable pecuniary interests
- Must attend meetings when summoned to do so and is responsible to disclose any pecuniary interests before an item is discussed
- Must inform the town clerk of an intended absence in order that it can be recorded/approved

If a councillor does not attend any meeting of the council, committee, or sub-committee, or does not carry out an executive function as a member, for six consecutive months they automatically cease to be a member of the authority. If a councillor has special reasons for not being able to attend meetings there may be circumstances under which the council can extend the period. The council can only extend the period before the six months has elapsed.

- Is entitled to vote at meetings
- Can resign at any time by written notice to the chair of the council

The national association of local councils (NALC) publish the *Good councillors Guide* that provides further details, a copy of which the town clerk can provide on request.

1.2 Councillors' Role:

Whilst there is no set job description for a councillor, below gives you a flavour of your role:

- To abide by the council's code of conduct and not bring the office of councillor into disrepute
- To act collectively with others as employer
- To be the ultimate policy makers of the council giving strategic and corporate management direction
- To serve as advocates for their communities (individual wards), protecting and promoting the community and ensuring that the needs and issues which affect residents are addressed
- To deal with individual casework and to act as advocates for constituents in resolving particular concerns or grievances
- To act as custodians of the public purse, fixing a budget, setting a precept, and monitoring the expenditure of the council
- To balance different interests within their ward and to represent the ward as a whole
- To balance the needs and concerns of the whole of the council's area and between areas of competing needs in the interests of the whole of the council's area
- To attend council meetings and meeting of committees to which they have been appointed, and to be involved in all significant decision-making
- To take steps to keep in touch with their communities by attending residents' or local community meetings and training events
- To be available to represent the council on other bodies
- To deal promptly with correspondence/communication from their constituents and the council's officers
- To maintain the highest standard of conduct and ethics

1.3 Beware of what a councillor cannot do

- councillors cannot make a decision on behalf of the council
- Instruct the town clerk or staff in their duties
- Write to the press on council matters
- Represent the council as and wherever they wish
- Resign by walking out of a meeting

1.4 Role of the town clerk

The town clerk is appointed under statute as the *proper officer of the council* (Local Government Act 1972, s.270(1)). The post is akin to the chief executive of the principal authority in that it is the head of the council's administration. The town clerk is responsible for seeing that the business of the council runs smoothly and efficiently and

is conducted in accordance with the law. The town clerk has responsibility for the management of the town council's assets (its land and buildings, finances, staff, and reputation). The town clerk prepares the council for taking decisions, before, during and after meetings, implements decisions and protects the council as a corporate body. Responsibilities range across organising meetings and events, managing sites, facilities, staff, and finance, to marketing, negotiating and public relations.

The town clerk has a number of statutory duties; these include:

- Signing and serving on councillors summons with an agenda to attend council meetings
- Convening meetings of council if a casual vacancy in the office of the chair of the council occurs
- Receiving and holding copies of byelaws made by other local authorities which affect the council's area
- Receiving and retaining documents or notices

1.5 Role of the Chair (Mayor)

The council *must* have a chair (the mayor), responsible for ensuring that proper decisions are taken in council meetings, that meetings run smoothly and on time. The mayor ensures that all councillors have the opportunity to speak at meetings and that procedure is followed in accordance with standing orders. The mayor is the public face of the council, representing the council in a civic capacity.

1.6 Role of the Council as a Whole

The council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole council. The council has many powers and duties granted by Parliament including the important authority to raise money through taxation (the precept) and a range of powers to spend public money.

The council is responsible for a number of community facilities throughout the town, including the public office at the King Edward VII Memorial Hall, two closed churchyards, sponsored roundabouts, various flower beds, play areas, public toilets, and allotments.

It also maintains the Newmarket Clock Tower, War Memorials, a number of bus shelters, street benches, Birdcage Walk, the Cooper Memorial, Bill Tutte Memorial and the statue of The Queen with mare and foal, as well as street planters and hanging baskets.

The council administers the Newmarket cemetery and chapel, the Severals grass area and Memorial Hall grounds, as well as two venues – The Memorial Hall and the Severals Pavilion.

The Council is also responsible for a number of street lighting columns and provides Christmas lighting in the town. It is involved in the promotion of Newmarket across various media and both running and facilitating events & festivals.

See also section 3.3 below.

1.7 The Council as Employer

Councils often have to deal with a range of employment relation issues which require clear and straightforward employment policies and procedures that help to handle employment issues quickly, fairly, and consistently.

The town clerk is employed by the council and answers to the council as a whole. The town clerk manages any other staff that may be employed by the council. No one councillor can act as the line manager of either the town clerk or other employees. These rules and principles should build on mutual respect and consideration between the town clerk and the council.

NALC publish the *Good Employers Guide* that provides further details.

2 Councillors' Code of Conduct

Under the *Localism Act 2011* and the *Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, members of the town council are required to register theirs and their partner's disclosable pecuniary interests in a register held by the monitoring officer, West Suffolk Council within 28 days of becoming a member or co-opted member. Provisions in relation to disclosable pecuniary interests are enforced by criminal sanction that came into force on 1 July 2012. A copy of the register is available for public inspection and is published on both the town and district council websites.

The council, in accordance with the *Localism Act 2011, s.27*, adopted a code of conduct to promote high standards of behaviour by its members and co-opted members whenever they conduct the business of the council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the council. The code is based on the principles of:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

There may be occasions where a number of councillors must declare interests and their withdrawal from that meeting may render the decision making inquorate or ineffective. There are provisions in the council's rules on dispensations.

Please make yourself familiar with your obligations under the code, what to declare and how to declare interests (As a reminder every agenda have standing items for the registration of interests. The rule of thumb is **if in doubt ask**), how to apply for a dispensation, and what to do if you are offered gifts or hospitality (training is offered).

2.1 Things a councillor should not do in relation to the code of conduct

It is important for councillors to be aware that they must not:

- bring their council or office into disrepute
- disclose confidential information
- misuse council resources or authorise their misuse, in particular for unauthorised party-political purposes
- misuse their official position to their own advantage or to the advantage or disadvantage of others
- stop somebody seeing or getting copies of documents they are allowed to have
- unduly influence any person who works for the council

3 The Decision-Making Process

council meetings are where councillors play their part as decision makers. They are formal events where the public and press have a right to observe how the council operates, the exception being when sensitive matters are discussed such as legal, contractual, or staffing matters.

Decisions are called 'resolutions' and these are mostly made by the full council, please remember these are 'corporate decisions'. Decisions can in some cases be delegated to committees and to officers. Some committees make recommendations to council. The work that these groups undertake is set out in their 'terms of reference'.

The council has the following committee structure:

There are 5 standing committees. All councillors can sit on any standing committee except for human resources, which is limited to 9 members.

Standing committees of the council:

- Development and Planning
- Community and Leisure
- Neighbourhood Plan
- Human Resources
- Finance and Policy

Working groups can be appointed by each standing committee and will make recommendations to that committee.

- a. The chair of the committee presents the minutes of each standing committee, to the full council.
- b. The chair will say, "I am pleased to present the minutes of the committee and seek their adoption".
- c. All the recommendations of the committee in the minutes, are then formally proposed and seconded, and a vote ensues. The recommendations then become resolutions of the council.
- d. Any recommendation can be amended and then voted upon by full council.
- e. If any recommendation fails to receive the support of the council, then the recommendation is referred back to the committee.
- f. If a majority of councillors vote against the adoption of the minutes, then all recommendations are referred back to the committee.

The annual meeting of the council takes place in May, and in an election year the annual meeting must take place on the day when the councillors take office, or within 14 days thereafter. councillors take office in an election year four days after the date of the election.

The annual town meeting is a completely different meeting and takes place between 1 March and 1 June. This is not a council meeting but a meeting when electors can speak and set the agenda and local issues are debated.

A list of meeting dates is provided annually.

3.2 Powers and duties

There are wide ranging activities covered by acts of parliament setting out powers and functions giving local councils permission to act upon. These include consideration of the provision of allotments if requested to do so, provision and maintenance of bus shelters, borrow money, power to provide a wide range of recreational facilities.

3.3 The general power of competence

The *Localism Act* includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. The general power gives councils more freedom to work together with others in new ways to drive down costs and increase their confidence to do creative, innovative things to meet local people's needs.

Every electoral term the town council must consider whether it is an "eligible parish council", having met the conditions prescribed by the Secretary of State in the *Parish*

Councils (General Power of Competence) (Prescribed Conditions) Order 2012; these being around the competency of the town clerk and the electoral mandate of the council.

3.4 Meetings, Conduct of Business, Standing Orders

Rules about the way meetings must be run, some of which are set by legislation, are contained within the council's standing orders.

Standing orders set out the order of business, rules about debate, voting requirements, and the procedures for public participation. Please read standing orders so that you are aware of the protocol on the conduct of meetings.

3.5 Council Meeting Agendas

At least five clear working days before a meeting a public notice of the meeting will be placed on the council's notice board outside the Memorial Hall.

At the same time, councillors will receive a 'summons' requesting their attendance at the meeting with an agenda. Topics requiring a decision cannot be added to an agenda after it has been issued. If you wish to raise an item for inclusion, contact the town clerk with details. standing orders set out how you can give notice to raise a question or ask for a motion to be placed on the agenda.

It is the responsibility of the town clerk, often in consultation with the chair of the council and committee chairs to set the agendas for full council and committee meetings respectively.

3.6 Helpful Suggestions for Meetings

3.6.1 Agendas and Reports

- All agendas and reports are uploaded onto the council's website and councillors are emailed links to those papers
- On receipt, read through each agenda and any associated reports to identify important items – those affecting your area
- Make sure that you understand what actions are being proposed
- Think about what the result will be if those actions are taken
- Are the costs involved justified?
- Think about whether there are any alternatives that could be explored
- If you have any questions, please contact the town clerk, chair of the council, committee chair, or the author of the report, before you attend the meeting

3.6.2 In the Meeting

- Read the agenda and its associated reports in advance of the meeting and follow the advice set out above

- Identify the areas where you feel you have a contribution to make
- Prepare yourself – check your facts, the background; ask for an explanation from the town clerk and/or fellow councillors
- Read your standing orders so that you understand the procedure. If in any doubt, please ask the town clerk
- Remember your duty to declare an interest and if in any doubt check with the town clerk on the best course of action
- If possible, tell the chair in advance that you wish to speak and on which agenda item
- Be prepared to intervene on other items – often debates will lead into unexpected territory which may be of particular interest or relevance to you and your constituents
- Remember not to confine yourself to the ward which you represent. Consider the town as a whole
- Beware the law of defamation!

3.6.3 Apologies for Absence

You have a duty to attend but if something crops up and you cannot attend, notify the town clerk so that your apology and reason can be recorded in the minutes. If you fail to attend meetings for six months, without formal council approval, you will be automatically disqualified and cease to be a councillor.

3.6.4 After the Meeting – Council Minutes

It is the responsibility of the town clerk, or a duly delegated officer to write the minutes as a legal record of the council's decision which are confirmed and signed by the chair at the next ordinary meeting. No discussion can take place on the minutes, only their accuracy. Minutes should contain a heading, those present, and a decision at the very least. They are not meant to be a verbatim record of discussions, but the town clerk is likely to minute any advice given. Draft minutes are placed on the council's website marked as such.

3.7 Important Documents

The following are important documents that councillors should be able to reference in the decision-making process:

- Standing orders
- Financial regulations
- Committee terms of reference and delegation
- Budget for the current year and any projected financial planning
- Newmarket neighbourhood plan
- Local development framework
- Minutes of previous meetings

Also, available for councillors to view, upon application to the town clerk:

- Assets register
- Insurance policy
- Lease agreements
- Schedule of council fees and charges

3.8 Council Guidelines, Policies, Procedures, and Protocols

The council has also adopted a number of guidelines, policies, procedures and protocols, these are all available on the council's website.

Guidelines are principles that guide actions, frequently based on best practices.

Policies are specific principles that guide decision making and indicate the position and values of the council on a given subject.

Procedures are written set of instructions that describe the approved and recommended steps of a particular process, and supplement policies and describe how policies will be implemented.

Protocols are written plans that specify procedures to be followed in specific situations.

4 Planning Matters

Being involved in planning is an important activity for the council. The planning authority (West Suffolk Council) must consider the town council's view before it decides to grant or refuse planning permission.

The town council's planning and development committee is charged with considering all planning applications which include:

- Full planning permission
- Outline planning permission
- Reserved matters
- Listed building consent
- Change of use
- Conservation area consents to prune/fell trees
- Licensing
- Advertising consent

The *Town and Country Planning Act 1990* provides the main legal basis of the English planning system as amended by the *Planning and Compulsory Purchase Act 2004*. Further changes have been introduced by the *Localism Act 2011*.

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental, and social planning policies for England and contains the framework within which local plans are developed. The purpose of the NPPF is to help achieve 'sustainable development' that meets the needs of the present without compromising the ability of future generations to meet their own needs. The *Planning and Compulsory Purchase Act 2004* placed an obligation on local planning authorities to produce a local plan (or core strategy) shaping how land use and places will change and develop over the next 15 to 20 years. It also sets out a spatial planning strategy – what the general location of development will be.

Planning decisions need to be made in line with the development plan, unless there are good reasons why this should not be done. These reasons are called material considerations and include:

- overshadowing
- overlooking or loss of privacy
- adequate parking and servicing
- overbearing nature of proposal
- loss of trees
- loss of ecological habitats
- design and appearance
- layout and density of buildings
- effect on listed building(s) and conservation areas
- access or highways safety
- traffic generation
- noise and disturbance from the scheme
- disturbance from smells
- public visual amenity, but not loss of private individual's view
- flood risk

There are however a number of areas that cannot be considered as material/relevant; these include:

- loss of value to individual property
- loss of view
- boundary disputes including encroachment of foundations, gutters
- private covenants or agreements
- the applicant's personal conduct or history
- the applicant's motives
- potential profit for the applicant or from the application
- private rights to light
- private rights to way

- damage to property
- disruption during any construction phase
- loss of trade or competitors
- age, health, status, background, work patterns of the objector
- time taken to do the work
- capacity of private drains
- building or structural techniques
- alcohol or gaming licences

For further information about planning CPRE have a number of helpful publications:

- [Planning explained](#)
- [How to respond to planning applications](#)
- [How to shape where you live](#)

5 Dealing with Public Money

The responsible financial officer administers the finances of the council and collectively councillors are responsible for ensuring the proper management of the council's finances to avoid risk of fraud, loss, or bad debts.

The council must operate a sound system of internal control in accordance with *The Accounts and Audit Regulations 2015* and to prepare an annual governance statement in accordance with proper practices in relation to accounts. The law requires another audit to be carried out so that local taxpayers can be assured that the risks to public money have been managed.

The *Local Government Transparency Code 2015* requires certain councils to publish a range of financial information online. The code can be viewed at <https://www.gov.uk/government/publications/local-government-transparency-code-2015>.

Detailed information is set out in the *Joint panel on accountability and governance – practitioners' guide*, available at <https://www.nalc.gov.uk/our-work/j-p-a-g>. The guide sets out how accounts should be kept, their format and how and when they must be approved and published, where and for how long taxpayers can view the accounts and details behind them.

The council's finances are controlled by checking spending against budget plans regularly at council meetings. The council's own financial regulations set out how the council must manage its finances and its overall system of internal control. As part of this, the council appoints an independent 'competent' auditor to conduct an internal audit, which is in turn reported with the accounts. As a member of the council, you are responsible for ensuring that the annual return accurately presents the financial management by the council. The council's finances are controlled by checking spending against budget plans regularly at council meetings.

5.1 Budget and Precept

The council is empowered to incur expenditure in the execution of its statutory powers. It obtains its funds (the precept) from the principal authority for the expenses it is expecting to incur in the financial year ahead and so it is important that an accurate budget is set for the proper carrying out of the council's functions. The budget setting process normally starts around October each year and request for the precept is normally sent in late January.

5.2 Annual Return

The council's financial year begins on 1 April and ends on 31 March in the following year. Legislation requires a council to prepare accounting statements for each year, which must be externally audited. Proper practices provide for a council to prepare its accounting statements in the form of an annual return which summarises the accounts and includes an annual governance statement.

6 Handling Information

6.1 Freedom of information

The *Freedom of Information Act 2000* allows the public access to certain types of information held by the council, subject to release of personal information under the *Data Protection Act 1998*. Requests must be in writing; email is accepted, and the council must respond promptly and normally within 20 working days. The council is entitled to make a charge which must be set out in a Publication Scheme which also sets out the type of information published and the manner in which is published. The council does not have to respond to repeated or 'vexatious' requests if it has already responded to an identical or substantially similar request from the same person. There are some other exemptions which fall into the category of 'absolute exemptions' such as court proceedings or personal information that would breach the data protection act. The council then has a duty to consider whether disclosure is required in the public interest. Guidance is available from the Information Commissioner. See the town council's website to view the publication scheme or ask the clerk for a copy.

6.2 Data Protection

All councils hold a wide range of information and are required to **'notify'** the Information Commissioner of personal data it holds, subject to certain exemptions. Personal data may be as simple as holding someone's name and address but in addition includes amongst other things details of complaints, lists of contacts, employee/personnel records, and information provided for the purpose of placing a contact to which the data subject is a party. Images taken by CCTV systems can now also fall within the data protection regime.

Councillors are covered by the council's notification and have the same responsibilities with regard to data protection as the town clerk and employees of the council. If councillors are processing electronic personal data in an individual capacity (i.e., where you are not acting on behalf of the council) you are likely to be classed as data controllers and would individually need to notify the Information Commissioner. For advice and guidance, go to www.ico.gov.uk.

6.3 'Need to know'

Councillors do not have a 'need to know' for all council business and cannot claim an automatic right to see all council documentation and information. There is a general rule of thumb in establishing whether a councillor has a 'need to know':

- If you are a member of a committee, you have the right to inspect documents or to obtain information relating to the business of that committee
- If not a committee member, you need to demonstrate why sight of the information in question is necessary to enable you to perform your duties as a councillor
- The document/information will be withheld if a councillor's motives are indirect, improper, or ulterior
- councillors wishing to inspect council documents should specify precisely what information they need and for what purpose

6.4 Confidential Information

The council's standing orders and the code of conduct require members and officers to maintain confidentiality. When a councillor is acting, or gives the impression as acting, as a representative of the council, a councillor is obligated not to disclose information which is confidential or where disclosure is prohibited by law. There are some exceptions, for instance if you are required to do so by law, where you have a person's consent or disclosure is in the public interest (justified in only very limited circumstances). Improper disclosure of confidential information constitutes a breach of the code of conduct.

6.5 Defamation and Privilege

Councillors when making statements in council and committee meetings should be aware that they are subject to the general principles of law relating to defamation. As a general defence a councillor should show that any such alleged statement was made on a 'qualified' privileged occasion, when the councillor who makes the statement must show that the statement was made without malice and in pursuit of a public duty. If, upon investigation, the statement is found to be true, it is not defamatory at all, but if it is found to be untrue, privilege can be claimed if the councillor acted without malice.

6.6 Press and Media

6.6.1 *Dealing with the Press*

- Check the council's policy on the issue of press statements
- Seek help from the town clerk on how to handle individual press members
- Get to know the reporters who cover your area and those who are regularly present at council meetings. Learn how to explain your views on issues and do not talk "off the record" – some things are best kept unsaid!
- When approached either in person or on the telephone, think carefully before you speak, and ask for time to consider your reply if necessary

6.6.2 *Dealing with the Media*

- Seek help from the town clerk
- Think carefully about anything you say. Remember that it may well be reported, and it may be your voice that says it! If necessary, therefore, ask for time to consider your reply and take appropriate advice
- Be aware that the reporter has deadlines, and these are even tighter than for newspapers – local radio has bulletins every hour!
- Remember that a recorded interview may be cut and edited in just the same way as a press report
- Beware of radio reporters who ring you and say that they want to do a recorded interview immediately over the telephone. Unless you are very confident, ask them what they want to talk about and ring them back in ten minutes. Use this time to compose yourself, to decide what you are going to say and, if necessary, to take advice
- When taking part in live broadcasts (including phone-ins), always agree beforehand what areas you will and will not discuss
- Do your homework and learn all the facts before you go to the studio
- Be honest in your answers. Even the slightest hesitation on air can sound like evasion, dishonesty or incompetence
- Even if you do not know the answer to a particular question, it is better to admit that, rather than make up something which, with hindsight, may have been improper
- Broadcast appearances are best left to those who feel at home on radio or TV. Most of us need extra coaching, so if you are likely to be a spokesperson, try to get broadcasting skills training

7 Members' Services

All councillors will be given access to a town council email address.

The town clerk shall be the first point of call for any additional support from the council.

8 Managing Risk

The *Health & Safety at Work Act 1974* places a duty on councils as employers and employees to protect the health and safety of its employees and the public visiting its premises. This includes maintaining the safety of any places of work, the working environment (including equipment) and without risks to health for which the town clerk will undertake appropriate risk assessments. The *Disability Discrimination Act 2010* imposes obligations on councils as employers and wider obligations to ensure access to services, including permanent physical adjustments to premises and meeting rooms.

8.1 Insurance

The council undertakes a review of its risks annually. Using the asset register as a guide, the council will identify the level and severity of any likely risk and take appropriate steps to manage the consequences, which includes reviewing its insurances prior to renewal date.

Policies normally cover core risks, such as property and public liability in addition to mandatory cover for Employers' Liability, Fidelity Guarantee (Employee Dishonesty), and Hirer's Indemnity. Other optional cover is available. The council's insurance may also cover councillors for Personal Accident, Libel and Slander and Officials' Indemnity. The town clerk & responsible financial officer will advise.

9 Useful Contacts and Sources of Advice

- The town clerk. It is the town clerk's job to receive information and to keep the council informed. The town clerk is a member of the [Society of Local council clerks](#)
- [Suffolk Association of Local councils](#)
- [The National Association of Local councils](#)
- [Association of town & City Management](#)
- [National Association of British Market Authorities](#)
- [Historic towns Association](#)
- [National Society for Allotment & Leisure Gardens](#)
- [Ministry of Housing, Communities & Local Government](#)
- [Newmarket Community Network](#)
- [Suffolk County council](#)
- [West Suffolk council](#)
- [UK Government](#)

10 Useful Publications

- [The Good councillor's Guide](#) – NALC
- [Being a Good Employer](#) – NALC
- [Joint Panel on Accountability and Governance Practitioners' Guide](#) – NALC
- [The Local council Award Scheme](#) – NALC

- [Planning Explained](#) – CPRE
- [How to respond to planning applications](#) – CPRE
- [How to shape where you live](#) – CPRE
- [Newmarket Neighbourhood Plan](#) – NTC

APPENDIX B: CHAIRMANSHIP – GOOD PRACTICE

This is intended as a guide for those presiding at meetings of the council and as a source to which to refer when there is a procedural difficulty during a meeting.

The chair of the town council is entitled to use the title “town mayor”. The title confers no additional powers on the chair and, in particular, has no implications for their conduct in meetings.

Notes:

- The word “chair” includes “town mayor” and means the person actually presiding at a meeting
- The word “vice-chair” includes “deputy town mayor”
- The word “council” includes “committee”, where any function has been delegated

1 Basic Principles

The officers and agents of the council must act as the council’s executive and carry out its decisions. They cannot do this properly unless they have instructions which they can understand.

It is the primary, if not the only, function of the council to frame instructions upon which people can act; even a decision to take no action is such an instruction.

The council’s instructions are conveyed by resolutions and it is the purpose of the council’s proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a chair is to ensure that this purpose is achieved and to this end they must:

- i. protect the council against outside interference;
- ii. ensure that everything to be discussed is lawful;
- iii. ensure that the council is invited to deal with clear issues;
- iv. ensure that as far as possible information is complete;
- v. permit every point of view to have a fair hearing;
- vi. ensure that opinions expressed are relevant to the matter in hand;
- vii. ensure that business is transacted with reasonable speed;
- viii. ensure as far as possible that proceedings are friendly and free from personalities; and
- ix. co-operate with the officers and councillors.

2 The Authority of the Chair

2.1.1 Origin

The office of chair of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

2.1.2 Nature and Limitations

Whether or not the council has passed any standing orders, the chair's procedural authority is derived from the council as a whole and an individual councillor must obey his rulings because they are the rulings of the council itself. It follows from this, however, that the chair cannot overrule the council and that a councillor who is dissatisfied by the chair's ruling may invite the council to disagree with it. Such appeals against the chair ought to be very rare.

The authority of the chair, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

3 Preliminary

Before any meeting, the chair should study the items on the agenda with either the clerk or any other officers, and should in effect ask in respect of each item the following questions:

- What does it mean?
- Is it lawful?
- Do we know enough about it?
- Has any member special knowledge of this problem?
- Is there any member who may have a pecuniary interest?

4 Outside Interference

4.1.1 Disorderly or Disruptive Behaviour

The standing orders of a council govern the actions that can be taken when disorderly conduct or behaviour disrupts the debate at a meeting or obstructs the proceedings in a meeting. This includes a situation where someone is behaving offensively or using inappropriate language.

Disruptive individuals, whether they are councillors or members of the public, are at risk of being asked to leave the meeting. The chair may request anyone who is disruptive to stop and should explain the consequences if they do not behave appropriately.

The chair should never argue or allow argument with an interrupter. If an individual disregards the chair's request to modify their conduct, aimed at restoring order to the debate or to the meeting itself, any councillor (including the chair) may move a (procedural) motion that the offending person(s) are "no longer heard" or excluded from the meeting. If the meeting then passes a resolution that requires a person to be silent or leave the meeting, but this is ignored, further steps can be taken.

The meeting may be temporarily suspended to give the offending person(s) an opportunity to improve their behaviour or to persuade them to be silent or to leave the meeting. If after a suspension of the meeting, disruptive behaviour continues, the meeting may need to be closed and consideration of the outstanding business for the meeting postponed to a later date. It is, however, illegal to decide to exclude specific members of the public from any future meeting.

4.1.2 Pecuniary Interests

The law requires that where a member has a disclosable pecuniary interest in a matter to be considered at a meeting, they cannot take part in discussions or vote on the matter at a meeting unless they have been granted a dispensation. Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

If the interest has not been recorded, they must advise the monitoring officer within 28 days of the interest becoming apparent.

4.1.3 Rulings on Notices

The chair must be satisfied that the meeting is lawful. The chair does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made, they must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which they are entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

4.1.4 Quorum

No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the council cannot act because it is impossible to obtain a disinterested quorum. In such a case the chair should adjourn the matter until it

can be next dealt with. Those members with a pecuniary interest should consider making an application for dispensation to the council where appropriate.

4.1.5 *Ultra Vires Proposals*

The chair should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda.

5 A Clear Issue

Every decision of the council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the chair's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:

- i. All motions should be affirmative in form; it is never necessary to move that a resolution be rejected; and
- ii. where there is more than one solution to a problem each solution must be separately put to the vote.

5.1.2 *The Affirmative Form*

The most exact method of putting a question to the vote is by the use of the following formula:

"The resolution is as follows:

(e.g.) 'That the clerk's salary be raised to £5,000 a year'.

The motion is that this resolution be agreed to".

(Note: A *resolution* is a proposal of the action intended to be taken for example, "That the council buy a mower". A *motion* is the procedural formula by which the council disposes of business: for example, "The motion is that the resolution be amended by ____" or "The motion is that the council do now adjourn".)

5.1.3 *Separating the Issues*

In attempting to reach a decision a council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is

apparent and then to put one of them in the form of an amendment to the other; for instance, if a council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:

“If the council is to spend its money would it prefer a swimming pool or a playing field?”

In more formal language the issue is put to the vote by substantive resolution and amendment:

“The resolution is that the swimming pool be provided. To this the following amendment has been moved:

leave out the words ‘swimming pool’ and substitute the words ‘new playing field’.

The motion is that this amendment be agreed to”.

A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*.

6 Method of Voting

The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

7 Completeness of Information

Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The chair should before the meeting consider whether enough information is available or likely to be made available, and at the meeting they should make a point of asking a member with special knowledge to give their opinion. If it appears at the meeting that information is still insufficient, they should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

8 Impartiality

When differences of opinion develop in discussion it is the duty of the chair to give a fair hearing to all points of view including their own, if they have one. It is not their duty as chair to suppress either their own convictions or their privilege to impose their opinions. Experience has shown that the safest and least controversial course is for the

chair to call upon speakers for and against a proposal to speak alternately and for the chair to avoid speaking first or last.

Some people are better at putting a case than others and the chair ought to allow reasonable latitude to the less eloquent. For this reason, mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the chair should have some latitude in applying them.

9 Relevance

9.1.1 General Rule

A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for “barracking from the chair” it is probably true that if it was enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to “clear the air”. Too harsh suppression can breed ill will and a sense of grievance.

9.1.2 Personalities

The chair should do their best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the chair, should only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the chair should immediately intervene to seek immediate apology to an offended member.

9.1.3 Methods of Enforcement

Where a speech is obviously irrelevant the chair should stop the speaker and invite them to return to the point or sit down. Where the irrelevance is not quite so obvious the chair may often find it convenient to ask the speaker to explain how their remarks relate to the issue.

9.1.4 Revival of Decided Issues

The chair should not allow a matter that has been decided to be reopened at the same meeting. An attempt to revisit a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.

9.1.5 Minutes

One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

9.2 Other Problems

Letters received by the council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example, "Mrs Smith of _____ has written asking the council to get the pile of rubbish removed from outside 48 _____ Lane".

10 Reasonable Despatch

10.1.1 Intervals

It is important that business should be transacted with reasonable speed. Long meetings bore members and reduce the level of attentiveness. Long intervals between meetings lead to missed opportunities. The council cannot expect to be consulted regularly by other bodies if it does not respond promptly. The chair ought to call special meetings in necessary cases. The right of the council to be notified of planning applications makes this especially important.

10.1.2 Obstruction at Meetings

Deliberate obstruction is rare but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (For points of order see paragraph 11.1.1 below.)

10.1.3 Repetition

If it is evident that nothing new can be said on either side in a particular discussion, a chair is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the chair should ask leave of the council to put the matter to the vote.

10.1.4 References

All deliberative bodies have a natural tendency to refer questions to someone else (e.g., an officer or a committee) for consideration or report. These are frequently

unnecessary because they are often used only when a council is unwilling to make a final decision.

11 Some Procedural Points

11.1.1 *Points of Order*

Points of order relate to procedure only and take precedence over all other business; it is the duty of the chair to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the chair. The person raising the matter of substance in this way should be told to save it for his speech on the business.

For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying “On a point of order, can we afford it?” the interruption should be ruled out of order as this is not a procedural question. It is part of the merits of the business and must be decided by discussion. If, however, the interruption had been “On a point of order, have we power to do this?” the chair (in consultation with the clerk) must give a ruling and the answer is “No”, the council has no power to act as proposed and the business ought not to be under discussion.

11.1.2 *Procedural Resolutions*

Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to

- i. correct minutes;
- ii. alter the order of business; or
- iii. refer to committee.

11.1.3 *Closure Motions*

The following are the respective effects of closure resolutions:

- i. On the passing of a resolution to proceed to *next business*, proceedings on the business in hand come to a stop and no decision upon it can be taken.
- ii. On the passing of a resolution to *move to a vote*, the mover is usually entitled to reply before the matter is put to the vote. By custom the chair may refuse to accept such a resolution until they think that the matter has been sufficiently debated.
- iii. A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed, and no decision is taken on the business; therefore, the discussion may later be resumed at the point where it was interrupted.

11.1.4 Amendments

An amendment, which in substance negates the principal resolution, should not be allowed because it is confusing and unnecessary.

An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 5.1.3 above.)

11.1.5 "Any Other Business"

The summons to a meeting of the council must by law specify the business to be transacted; the council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify any item of business. The rule prevents the council deciding any business which will have either expenditure consequences or lead the council into a legal situation: for example, by making a contract.

11.1.6 "Urgent" Business

The law makes no provision for dealing with "urgent" business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely "urgent", that is it was too late for the agenda and it will be too late for action if left till the next ordinary meeting an additional meeting should be called or the council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the chair or any other single member to take a decision binding the council.

12 Use of the Chair's Votes

Save on one occasion the chair has both an ordinary and a casting vote. There is no rule of law which requires the chair to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified to wait and then say, "the voting is 5 to 4 against; I therefore vote in favour which makes it even".

Where there is an equality of votes a chair may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, they may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the chair ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

13 Presence of the Public and Press

In principle, the public (which includes the press) is entitled to be present at all meetings of the council and its committees and sub-committees. The council or a committee, however, may exclude the public for a particular item of business, if in its opinion such exclusion is reasonable and in the public interest. Where the public and press have been excluded the decisions made in the closed session must be minuted: a record should be kept of who was present at the session: the press should be told of any decision. Business is 'confidential' if its discussion must be kept private: it is 'special' and the reasons for confidentiality must be stated in any case where the need for privacy is not obvious.

14 Maladministration

No outside body can adjudicate on complaints about the procedures of a Local council if the law has not been broken. It is, however, important for the good name of the council that complaints be handled properly and fairly.

15 Public Participation

In accordance with approved standing orders, members of the public may make representations, ask questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

The total period of time designated for public participation at a meeting shall not exceed 15 minutes and an individual member of the public shall not speak for more than 3 minutes unless directed by the chair of the meeting.

16 Length of Meetings

Standing orders permit meetings to continue for up to 2hrs, with an extension of 30 minutes if agreed by the meeting.

APPENDIX C: TOWN CLERK JOB RESPONSIBILITIES

1 Overall Responsibilities

The town clerk is designated as the proper officer of the council under the provisions of the *Local Government Act 1972 s.112(1)* and, as such, is under a statutory duty to carry out all the functions and to serve or issue all the notices and notifications required by law of a local authority's proper officer.

2 Specific Responsibilities

As proper officer the town clerk is responsible to the council as body corporate for the following, allowing that delegation to other members of staff will be necessary provided always that any actions carried out by the town clerk shall be in accordance with the councils standing orders, financial regulations and scheme of delegation in force at any given time.

2.1.1 Statutory and Legal

- a. To advise the council on matters of policy and law and ensure compliance with legal, statutory and other provisions governing or affecting the running of the council are complied with.
- b. To ensure that agendas and notices of meetings are issued in accordance with statutory time limits and the council's standing orders in consultation, as necessary, with appropriate elected members.
- c. To ensure that documents are signed and sealed in accordance with the law.
- d. To receive correspondence and documents on behalf of the council and to respond in accordance with the known policy of the council, reporting to council as necessary.
- e. To ensure that burial records are correctly kept.
- f. To ensure the councils role as consultee body on development control matters are effectively and efficiently discharged in accordance with the councils policies.

2.1.2 Policy

- a. In consultation with elected members, to produce specific policy documents and to monitor and review the same on a regular basis.
- b. To research proposals and produce information to aid effective decision making, in line with councils policies, and to constructively implement those decisions in a timely manner.
- c. Alert elected members to changes in legislation which may have a bearing on its stated policies.

- d. Use their initiative to propose methods of achieving the stated policies of the council and report to elected members on the practicability and effects of such proposals.

2.1.3 Staff Management

- a. Ensure that the council complies with all employment, health & safety at work and any other legislation that may affect employees.
- b. Effectively manage all staff employed by the council and in particular to ensure that all members of staff are:
 - i. recruited in a fair and non-discriminatory manner;
 - ii. managed in a fair manner and in accordance with the councils grievance and disciplinary procedures and any employment legislation current from time to time; and
 - iii. trained and equipped to carry out their work in a safe and practical manner.
- c. To identify personal development and training needs and opportunities through the appraisal system.
- d. From time to time to carry out a training needs analysis and develop a training schedule for all employed staff and elected members.
- e. To deal with all grievance and disciplinary matters in line with the councils written procedures.
- f. Bring to the attention of the council any serious staffing issues and manage these issues through the grievance and appeals policies as appropriate.
- g. Review the level of staffing on a regular basis to ensure that it is commensurate with the councils requirements and activity.
- h. Appoint such temporary staff as may be required from time to time.

2.1.4 Administrative and General

- a. To supervise the preparation of agendas, minutes and reports for all council and committee meetings and supervise preparation of the minutes.
- b. To attend all meetings of the council, its committees, sub-committees, and working groups notwithstanding that such duties may be delegated by the town clerk to another officer.
- c. To monitor the implemented policies of the council to ensure they are achieving the desired result and where appropriate to suggest modifications.
- d. To ensure that the councils property and other physical resources are maintained in good condition, authorising repairs and/or replacement in accordance with the councils financial regulations.

- e. On their own initiative and/or as a result of suggestions by councillors, to draw up proposals for consideration by the council and where appropriate, to discuss such matters with specialists in other fields and officers at principal authorities.
- f. Manage major projects in which the council is involved and to advise from time to time as to the practicability and likely effects of specific courses of action.
- g. Maintain links with the local press and media, liaise with the mayor on all contact with the press and media and prepare press releases as necessary.
- h. Encourage partnership working with the council, by means of forging links with principal authorities, other statutory authorities and community organisations.
- i. Study reports and other data which may have a bearing on the councils activities and attend meetings to discuss the same as necessary.
- j. Attend relevant training courses and conferences in connection with the work of the council.

2.1.5 Civic Activities

- a. To ensure proper care of all civic regalia.
- b. To attend all designated civic functions and ensure that arrangements are dignified and appropriate, including the Remembrance Day parade.
- c. To represent the town council, alongside the mayor, at certain civic functions as necessary.
- d. To uphold and ensure the dignity of the civic role of the council.

The terms of this job description may vary from time to time as directed by the council. The post holder will be expected to undertake such other duties as may be required from time to time, suitable to the level of responsibility of the post of town clerk.

APPENDIX D: RESPONSIBLE FINANCIAL OFFICER JOB RESPONSIBILITIES

1 Overall Responsibilities

To provide day-to-day financial management of the council under the direction of the town clerk, and to supervise the work of the finance assistant(s). To manage the council's financial affairs within the legal framework for local authorities and to comply with current legislation, statements of recommended practice and accounting codes of practice. To ensure that the council complies with the financial regulations as approved from time to time by councillors.

To act as the council's "Responsible Finance Officer" (RFO) described in the *Accounts and Audit Regulations 2003, sec. 2(2)(a)* as:

"the person who, by virtue of section 151 of the Local Government Act 1972, is responsible for the administration of the financial affairs of a relevant body or, if no person is so responsible, the person who is responsible for keeping the accounts of such a body".

The Regulations impose specific duties on the RFO to

- i. establish a sound system of internal control and arrangements for the management of risk;
- ii. carry out an annual review of the system of internal control and to prepare and publish an annual statement of internal control;
- iii. determine the accounting records and ensure they are maintained in accordance with proper procedures and are kept up to date; and
- iv. determine the accounting control systems and ensure that they are observed.

2 Specific Responsibilities

2.1.1 Year-end Financial Statements:

- a. Prepare the council's annual financial statements in accordance with applicable legislation and guidelines.
- b. Within applicable time constraints, make the financial statements available to the council's auditors and to provide such working papers, explanations and information as the auditors may require carrying out the annual audit.
- c. Prepare the annual statement of internal control and to seek the council's approval of such statement every year.

2.1.2 Management of Accounts:

- a. Prepare monthly management accounts for presentation to council, together with explanations of major variances.
- b. Provide same to managers and investigate discrepancies.
- c. Prepare working hours summaries from information supplied by the finance assistant.

2.1.3 Annual Estimates:

- a. Prepare revenue and capital estimates for the council and to make recommendations to the council for the amount to be precepted in the following year.
- b. To prepare forecasts for subsequent years on a three-year rolling basis.

2.1.4 Internal Control

- a. Review and monitor the council's systems and ensure that proper checks and controls are in place.
- b. To liaise with the council's internal auditor.
- c. Carry out investigations and prepare reports on an ad hoc basis.

2.1.5 Risk Management

- a. Devise and implement a system of risk management covering all aspects of the council's activities.
- b. Carry out an annual review of the council's risk management strategy.

2.1.6 Other Strategies

- a. Participate in the preparation of the other strategic reviews e.g., fraud and negligence, investment strategy, IT strategy etc. and to make recommendations.

2.1.7 Pensions

- a. Monitor the LGPS and stakeholder pension.
- b. Attend occasional seminars.
- c. Review annual pension returns prepared by the finance assistant.
- d. Apply FRS17 rules to the financial statements if applicable.

2.1.8 VAT

- a. Review the council's VAT exemption status and, if necessary, to prepare annual schedule of exempt inputs.
- b. Deal with HM Customs and Excise as required.

2.1.9 Investments:

- a. Comply with the investment strategy.
- b. Review periodically and make recommendations to council.

2.1.10 Payroll:

- a. Be up to date with payroll legislation.
- b. Be able to prepare monthly payroll if finance assistant is absent.
- c. Check annual Inland Revenue returns.
- d. Check annual pay award calculations.
- e. Prepare monthly statement of staff working hours for comparison with budget.

2.1.11 Utilities and Services:

Regularly carry out reviews of provision of service ensuring most cost-effective suppliers are in place, bearing in mind the opportunity to purchase on behalf of all council facilities.

2.1.12 IT:

Overall responsibility for IT.

2.1.13 Meetings:

Attend appropriate meetings (normally evening) to provide financial advice.

2.1.14 Department Budgets

Monitor and ensure implementation of all necessary procedures and documentation to ensure appropriate financial management in all departments across the council.

2.1.15 Asset Register

Ensure that the council's asset register is maintained in a suitable manner to meet auditor's requirements.

2.1.16 Leases and Licences

Ensure that a record of all of the council's leases and licences are maintained in a suitable manner to meet auditor's requirement and are reviewed at appropriate times (rent reviews etc.,).

2.1.17 Insurance

Responsibility for insurance contracts.

2.1.18 General

To assist as a senior member of the council's team with its overall performance management. This could involve undertaking different tasks at the request of the town clerk.

2.1.19 GDPR

Being aware and compliant with General Data Protection Regulations.