



# **Hunstanton Town Council**

## **Standing Orders**

**Adopted October 2019**

**Revised Council Meeting Procedures  
due to COVID-19 Regulations (May 2020)**

# Standing Orders – Hunstanton Town Council

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## Section A - Council Meetings

### 1. Arrangements for Meetings

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- 1.1 The Council shall agree an annual schedule of meetings showing date time and place.
- 1.2 The Annual Town Council Meeting (in an ordinary election year) shall be held on or within fourteen days after the date on which elected councillors take office (the fourth day after the ordinary day of election)
- 1.3 The Annual Town Council Meeting (in a non-ordinary election year) shall be in a day in May as decided by the Council.
  - a. ***This no longer applies until May 2021  
LAPCP Regulations 2020 Para 6 (c)***
  - b. ***If no other time is fixed, the annual meeting of the Council shall take place at 6pm.  
This no longer applies until May 2021  
LAPCP Regulations 2020 Para 6 (c)***
- 1.4 At least ten Council meetings a year including the Annual Town Council Meeting will be held.
- 1.5 Meetings will normally be held on the third Thursday of the month.
- 1.6 A copy of the Council Summons and Agenda shall be sent to Councillors and Borough Councillors covering Hunstanton.
- 1.7 A copy of the Council Summons and Agenda shall be displayed in public places deemed from time to time to be appropriate.

#### **Legal - Remote Meetings**

- a. ***Meetings shall take place at a time and date as the Council shall determine  
LAPCP Regulations 2020 Part 2 Reg 4(a)***
- b. ***Council may alter the frequency, move or cancel such meetings.  
LAPCP Regulations 2020 Part 2 Reg 4(a)***
- c. ***A meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.  
LAPCP Regulations 2020 Part 2 Reg 5 (1)***
- d. ***Members(including members of the public) in remote attendance attends the meeting at any time if all of the conditions in subsection are satisfied:  
(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,  
(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and  
(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.  
LAPCP Regulations 2020 Part 2 Reg 5 (2) (3) & (4)***

## 2. Term of Office and Powers of Mayor/Deputy Mayor

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- 2.1 The Town Mayor/Deputy Mayor unless he resigns or is disqualified shall continue in office until a successor is elected.
- 2.2 The Town Mayor/Deputy Mayor shall be ineligible for re-election to their respective offices after a maximum of two years in continuous service.

## 3. Voting

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### Show of Hands

- 3.1 Members shall normally vote by show of hands. On specific occasions agreed by a majority of members at a prior meeting, voting may be resolved by paper vote.

#### **Remote Meetings**

***Members to verbally announce their vote each in turn,  
APCP Regulations 2020 Part 2 Reg 6(a)***

### Voting on Appointments

- 3.2 All appointments to Committees, Working Parties and Representatives to Outside Bodies shall be voted on by a show of hands.

#### **Legal – Remote Meetings**

***Members to verbally announce their vote each in turn,  
APCP Regulations 2020 Part 2 Reg 6(a)***

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

### Recorded Vote

- 3.4 If at least one member so requests, the Town Clerk shall record the names of members who voted on any question identifying their vote for or against. Such a request must be made before a vote takes place.

### Chairman's Casting Vote

- 3.5 The Chairman may vote on any matter put to the vote. Where an equality of votes then arises he may give a casting vote. If he did not vote on the first occasion he may still use the casting vote.
- 3.6 If the person presiding at the Annual Meeting of the Council would have ceased to be a member of the Council but for the statutory provision which preserves the membership of the Chairman and Deputy Chairman until their term of office ends he may not give an original vote in an election for Chairman. In the event of an equality of voting however the person presiding must give a casting vote.

## 4. Quorum

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- 4.1 A quorum of the Council shall be nine members.

### Quorum not Present

- 4.2 If a quorum is not present or if during a meeting the number of councillor's present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned. Business not transacted shall be dealt with at the next meeting or on such other day as the Town Clerk in consultation with the Chairman may fix.

## 5. Annual Council Meeting

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### Order of Business

- 5.1 At each Annual Town Council Meeting the first business shall be:
- To elect a Chairman (The Mayor) of the Council  
***The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.  
This no longer applies until May 2021  
LAPCP Regulations 2020 Para 6 (c)***
  - To receive the Chairman's declaration of office
  - In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
  - To appoint a Deputy Chairman (the Deputy Mayor) of the Council
  - To appoint Committees and Working Panels as appropriate
  - To appoint representatives to Outside Bodies
- 5.2 The rest of the business shall be as for an Ordinary Meeting.

## 6. Ordinary Council Meetings

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### Town Mayor and Deputy Mayor Absent

- 6.1 At every meeting other than the Annual Meeting of the Council the first business shall be to appoint a Chairman if the Town Mayor and Deputy Mayor are absent.

### Order of Business

- 6.2 After the business above has been concluded the order of business, unless the Council decides otherwise on the grounds of urgency, shall be as follows:
- To receive apologies for absence
  - To receive the minutes of the previous meeting and approve as a correct record for signing after consideration and making any corrections
  - To deal with business expressly required by statute to be done
  - To deal with urgent business brought forward by the Chairman
  - To consider any motion to exclude the press and public
  - To answer questions from Council (See Standing Order 10)
  - To receive and consider reports and minutes of Committees, Working Parties, other local bodies and the Town Clerk as appropriate.
  - Other business specified in the agenda issued with the summons to attend the meeting
  - A motion to vary the order of business on grounds of urgency may be put forward by the Chairman and may be put to the vote without being seconded or discussed.

## 7. Extraordinary Meetings

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- 7.1 An extraordinary meeting of the Town Council may be called at any time by:
- The Town Clerk in consultation with the Town Mayor
  - **Two** councillors by requisition signed by each of them

### ***Remote Meetings***

***If the Chairman 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 electronically by the two councillors.***

## 8. Public Question Time

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- 8.1 At each meeting of the Council, other than the Annual Meeting or Extraordinary Meetings, there shall be a public session to enable the public to ask questions and make comments. This session shall last no longer than 10 minutes at the beginning of the meeting and 10 minutes at the end of the meeting unless extended by consent of the Council. No person may speak for longer than 3 minutes except by consent of the Council.
- 8.2 Questions shall be answered:
- At the meeting by the Chairman of the Council, Chairman of the appropriate Committee or the Town Clerk when there are matters specifically the responsibility of the Town Council, or
  - In writing following the meeting by the Town Clerk after consultation with the Chairman of the Council or appropriate Committee Chairman, or
  - By placing an item on an agenda for the appropriate Committee or a future Council meeting to consider.
- 8.3 When the matter affects the Borough Council of King's Lynn & West Norfolk or Norfolk County Council this will be followed up with the appropriate Council.

## 9. Resolutions, Recommendations and Notices of Motion

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### **Resolutions**

- 9.1 Resolutions are decisions taken by Full Council.

### **Recommendations**

- 9.2 Recommendations of Committees are referred matters for the Council to decide.

### **Motions**

- 9.3 The Town Clerk may submit a report with a recommendation for debate by the Council provided that it is proposed and seconded by a councillor at the meeting.
- 9.4 Any councillor may put forward a motion for debate at a Council meeting in accordance with the following rules:
- Notice of Motion and supporting documentation must be given to the Town Clerk in writing by noon on the eleventh day (including Saturdays and Sundays but excluding bank holidays) before the Council meeting at which it is to be considered.
  - Notices of Motion shall be timed and dated when received by the Town Clerk in the order in which it is received.
  - The Notice of Motion will be placed on the summons of the Council meeting for which it is intended unless it is withdrawn by notice in writing from the proposer or delayed to another meeting.
  - The motion shall be proposed at the meeting by the member giving notice and seconded before it shall be considered otherwise it will be deemed as withdrawn.
  - Every Resolution, Recommendation or Motion shall be relevant to some subject over which the Council has powers or duties or which affects its area or adjoining parishes
  - A motion moved (other than by a Committee) might have significant financial implications. If this is the case then the Chairman may decide, after it has been proposed and seconded, to adjourn the motion to the next ordinary meeting of the Council. The appropriate Committee affected by it will then consider whether to report on the matter to the Council meeting.

## 10. Questions

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- 10.1 A member may ask the Chairman or the Town Clerk any question concerning the business of the Council provided the question in writing has been given to the Town Clerk by noon on the Monday before the meeting.
- 10.2 Every question shall be put and answered without discussion although a person to whom a question has been put may decline to answer.

## Section B - Rules of Debate and Behaviour

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### 11. Rules of Debate

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#### **Minutes**

- 11.1 No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution.

#### ***Remote Meetings***

***The minutes of a meeting shall include an accurate record of the time and media used to conduct the meeting;***

#### **Motions at a Meeting that do not require written notice**

- 11.2 The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

#### **Description of the Nature of Amendments**

- 11.3 An amendment is not a new motion, it is an amendment of a motion under discussion (this includes recommendations of Committees or recommendations in a report of the Town Clerk).
- 11.4 An amendment shall be either:
- To leave out words
  - To leave out words and insert others
  - To insert or add words
- 11.5 An amendment shall not have the effect of negating a motion before the Council where the original motion can be put to the vote and determined in that way.

## **Rights of Mover in Debate**

- 11.6 The mover of a motion will be allowed to speak first after it has been proposed and seconded. If an amendment has been proposed and seconded then the mover of the amendment will have the right to speak first. The seconder will then be allowed to speak next.
- 11.7 A member may, with the consent of his seconder move amendments to his own motion.
- 11.8 The mover of a motion or the mover of the amended motion shall have a right of reply and shall speak last in the debate, not exceeding 3 minutes unless the Chairman allows an extension of time and this is supported by the majority of the Council. A councillor exercising a right of reply shall not introduce new matter.
- 11.9 After the mover has finished speaking the matter will be put to the vote. Where the vote was upon an amended motion and is approved then this becomes the substantive motion which can be further amended and the process begins again. If there are no further amendments the matter is put to the vote as the substantive motion and the decision reached by a majority will be final.

## **Secunder**

- 11.10 A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period in the debate.

## **Keeping to the Point**

- 11.11 Any member speaking on the matter shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

## **Length of Speech**

- 11.12 No speech shall exceed 3 minutes except by consent of the Chairman with the approval of the Council.

## **When to Speak**

- 11.13 A member, other than the mover of a resolution, shall not, without permission of the Chairman speak more than once on any resolution except:
- To move an amendment
  - To speak on an amendment
  - To speak on a further amendment
  - To raise a point of order
  - To speak in personal explanation
  - To move closure of the debate
- 11.14 The Chairman will take speakers in the order in which they indicate that they wish to speak unless it is his judgement to do otherwise.
- 11.15 The Chairman will decide when a matter has been fully debated and may terminate the debate where he considers that all relevant points and issues have been raised and will put the matter to the vote as appropriate.
- 11.16 A member speaking on a point of order or personal explanation or to move closure of the debate shall, with the permission of the Chairman, be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

## **Withdrawal of Motion**

- 11.17 A motion or amendment may be withdrawn by the proposer with the consent of the Council without discussion and no member may speak upon it after permission has been given for its withdrawal.

## **Motions without Notice**

- 11.18 When a motion is under debate no other motion shall be moved except the following:
- To amend the motion
  - To proceed to the next business
  - To adjourn the debate
  - That the question be now put
  - That a member named leave the meeting
  - That the resolution be referred to a Committee, Sub-Committee or Working Party;
  - To exclude the public and press under the Public Bodies Admission to Meetings Act 1960
  - To adjourn the meeting

### **Members Stand/Remain Seated**

11.19 A member shall stand when speaking unless permitted to sit on account of infirmity by the Chairman.

### **Ruling of the Chairman**

11.20 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

11.21 Councillors will address all their remarks through the Chair.

11.22 Whenever the Chairman speaks all other members will show respect for the Chair and will be silent.

11.23 The Chairman will decide when councillors can speak and is responsible for keeping order in the meeting.

11.24 Councillors will not speak unless invited to do so by the Chairman.

### **Closure of a Debate**

11.25 At the end of any speech a councillor may, without comment, move:

- That the question be now put
- That the debate be now adjourned
- That the Council do now adjourn

11.26 If the motion is seconded, the Chairman shall put the motion to the meeting except that in the case of 'The question be now put' the Chairman may decide that there has been insufficient debate on the matter and that the motion will not be accepted.

11.27 In the case of 'The question be now put' being carried, the mover may exercise or waive his right of reply before that matter is put to the vote.

11.28 The adjournment of a debate or of the Council shall not prevent the mover from exercising his right of reply at the resumption.

### **Rescission of Previous Resolution**

11.29 A decision (whether affirmative or negative) of the Council shall not be reversed within 6 months except by special resolution:

- A special resolution will be submitted in writing to the Town Clerk by noon on the eleventh day (including Saturdays and Sundays but excluding bank holidays) before the Council meeting at which it is to be considered.
- The written notice must bear the signatures of at least 9 members of the Council

11.30 Once a special resolution under the above paragraph has been disposed of, no similar resolution may be moved within a further 6 months.

## 12. Behaviour at Meetings

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### Conduct of Councillors

- 12.1 The question of conduct at meetings is underpinned by respect for the Chair.
- 12.2 All members must observe the Code of Conduct for Parish and Town Councils which was adopted by the Council on 18<sup>th</sup> October 2019.
- 12.3 No members shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, behave irregularly, offensively or improperly in such a manner as to bring the Council into disrepute.
- 12.4 No member should seek to make 'Political' points which bear no relation to the specific matter in hand.
- 12.5 Councillors must be aware that they do not have 'Absolute Privilege' in Council meetings and are not protected from the laws of libel and slander.
- 12.6 No matter will be discussed unless it is on the agenda or arising from the Committee minutes and reports before the meeting unless it is genuinely a matter of urgency brought forward by the direction of the Chairman.
- 12.7 If, in the opinion of the Chairman, a member has gone beyond appropriate behaviour as described above, the Chairman shall express that opinion to the Council. Thereafter any member including the Chairman may move that the member named be no longer heard or that the member named do leave the meeting. The motion, if seconded, shall be put forthwith and without discussion.
- 12.8 If the motions mentioned above Standing Order 12.7 are disobeyed, the Chairman shall adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## 13. Conduct of Members of the Public

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- 13.1 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he leave the Council Chamber or that the part of the Council Chamber open to the public be cleared. The Chairman will, if necessary, adjourn the meeting if steps to eject the offending parties are required.

## 14. Admission to Meetings

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- 14.1 The public and press shall be admitted to all meetings of the Council and its Committees subject to their exclusion by resolution under the Public Bodies Admission to Meetings Act 1960.
- 14.2 The Council shall afford to the press, reasonable facilities for taking their reports of any proceedings at which they are entitled to be present.

### **Legal - Remote Meetings**

- a 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.*
- b Member and public access to documents and remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.  
LAPCP Regulations 2020 Part 2 Reg 6(b) (c)*
- c A meeting being "open to the public" include access to the meeting through remote means including*

*(but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;*

*LAPCP Regulations 2020 Part 2 Reg 13(a)*

- d Being “present” at a meeting include access through remote means mentioned in paragraph (a) above.”*

*LAPCP Regulations 2020 Part 2 Reg 13(b)*

## 15. Confidentiality

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### **Employees Issues**

- 15.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary, conditions of service of any person employed by the Council, it shall not be considered until the Council, Committee has decided whether or not the press and/or public should be excluded.

### **Disclosure of Information**

- 15.2 No member of the Council or of any Committee or Working Party or Board shall disclose to any person, not a member of the Council, any business declared confidential.
- 15.3 Any member proven to be in breach of the provisions of Standing Order 15.2 above shall be removed from any Committee or Working Party.
- 15.4 Confidential papers shall be marked as such.

## 16. Committees, Sub-Committees and Working Parties

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### **Powers to Appoint**

- 16.1 The Council may, at its Annual Meeting, appoint Standing Committees and may at any other time appoint such other Committees, Working Panels and Task & Finish Groups as are necessary, but subject to any relevant statutory provision, shall not appoint any member of a Committee, Working Panel or Task & Finish Group so as to hold office later than the next annual meeting, and may at any time dissolve or alter the membership of a Committee, Working Panel or Task & Finish Group
- 16.2 The Chairman and Deputy Chairman of the Council shall, between them, be members of every Committee.
- 16.3 Each Committee shall, at its first meeting of the civic year, elect a Chairman and Deputy Chairman who shall hold office until the next first meeting of the Committee in the following civic year.

### **Convening of Special Meetings**

- 16.4 The Chairman of a Committee or the Chairman of the Council may summon a special meeting of that Committee at any time.
- 16.5 A special meeting shall be summoned on the requisition in writing of not less than one half of the members of a Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### **Appointment of Working Panels and Task & Finish Group**

- 16.6 Every Committee may appoint Working Panels & Task & Finish Groups for purposes to be specified by the Committee.
- 16.7 The Chairman and Deputy Chairman of the Committee shall be ex officio members of every Working Panel & Task & Finish Groups appointed by it unless they signify they do not wish to serve.

## **Quorum of Committee or Sub-Committee**

16.8 Unless ordered by the Council the quorum of a Committee shall be a minimum of 7 (seven) councillors.

## **Rules of Debate**

16.9 The Standing Orders on rules of debate, except those Standing Orders relating to speaking more than once, and the Standing Orders on interests of members in contracts and other matters, shall apply to Committee meetings in so far as they are appropriate.

## **Voting**

16.10 Members of Committees, Working Panels and Task & Finish Groups shall vote by a clearly visible show of hands.

16.11 The Chairman of a Committee shall, in the case of an equality of votes, have a casting vote.

## **Legal – Remote Meetings**

*Members to verbally announce their vote each in turn,  
APCP Regulations 2020 Part 2 Reg 6(a)*

## **Non-Committee Members Addressing the Meeting and Attendance**

16.12 A member who has raised a matter which has been referred to a Committee of which he is not a member may with the permission of the Committee Chairman explain the matter to the Committee but may not vote.

16.13 Any Council member, unless the Council orders otherwise, shall be entitled to be present as a spectator at the meetings of any Committee of which he is not a member, and may speak with the permission of the Chairman of the Committee, Working Panel and Task & Finish Group.

## **Membership of Committees**

16.14 The Council shall appoint Committees consisting of members of the Council. The Terms of Reference of Committees shall be as from time to time agreed by the Council.

16.15 Standing Committee membership numbers shall be as determined by the Council.

## **Working Panels and Task & Finish Groups**

16.16 The Council or a Committee may appoint such Working Panels and Task & Finish Groups as it wishes to undertake specified tasks or consider and review specified issues.

## **Provisions relating to Working Panels and Task & Finish Groups**

16.17 The following provisions relate to Working Panels and Task & Finish Groups:

- Working Panels and Task & Finish Groups have no power of decision.
- The Council or appointing Committee shall approve the terms of reference of the Working Panels and Task & Finish Groups.
- The Council or Committee shall appoint members of the Council to the Working Panels and Task & Finish Groups.
- The Working Panels and Task & Finish Groups shall appoint a Chairman and, if appropriate, a Deputy Chairman from amongst the appointed councillors.
- Working Panels and Task & Finish Groups may co-opt members who are not councillors entitled to speak and vote and other councillors if their knowledge/experience will be helpful to the Working Panels and Task & Finish Groups.
- The Chairman of each Working Panels and Task & Finish Groups shall produce a report of the business of the Working Panels and Task & Finish Groups provided it has met not less than every

three months and specifying any recommendations to the Council or Committee agreed by the Working Panels and Task & Finish Groups. Such reports to be supplied to the Town Clerk by noon on the eleventh day before the relevant meeting.

### **Urgent Business Which Cannot Wait for a Council or Committee Meeting**

- 16.18 Any decision which is, in the opinion of the Chairman or Committee Chairman too urgent to await the next appropriate meeting, is significant but cannot wait for the calling of a special meeting or the next ordinary meeting, the following procedure may be followed:
- A clear statement of the decision required, together with relevant background information, shall be circulated in writing to all members of the Council or relevant Committee, seeking their opinion by a specified deadline.
  - If, by the specified deadline at least two-thirds of the members of the Council or the relevant Committee have indicated that they would support one particular decision, this may be taken as a reasonable indication of the likely decision at the next appropriate meeting and any necessary action taken accordingly.
  - Confirmation of the decision will be sought at the next appropriate meeting.

### **Urgent Non-Controversial Decisions**

- 16.19 Any decision which, in the opinion of the Chairman or Committee Chairman and the Town Clerk, is urgent and of a non-controversial nature may be made by the Town Clerk in consultation with the Chairman or Committee Chairman provided that all such decisions are reported to the next meeting of the Council or appropriate Committee for confirmation. In such cases if local issues are involved then ward members may be included in consultation.

### **Delegation of Decision**

- 16.20 Where the Council or a Committee is unable to make a decision there and then for whatever reason, it may defer with delegated authority to the Town Clerk in consultation with the Chairman or relevant Committee Chairman subject to any criteria which may be agreed.

## **Section D – Town Meeting**

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### **17. Town Meeting**

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- 17.1 The Annual Town Meeting is required to be held between 1 March and 1 June annually.
- 17.2 A Parish Meeting may be convened by:
- The Chairman of the Council
  - Any two Town Councillors
  - Any six local government electors for the Town
- 17.3 The provisions of Schedule 12 of the Local Government Act 1972 apply to Town Meetings.

## **Section E – Appointments to Office**

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### **18. Appointments to Office**

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#### **Declarations of Acceptance of Office**

- 18.1 In the election year councillors should execute Declarations of Acceptance of Office in the presence of the Town Clerk, before the Annual Meeting commences.

#### **Voting for Appointments where more than two nominated for a position**

- 18.2 When more than two persons have been nominated for any position to be filled by the Council, and of the votes cast there is not an absolute majority in favour of one person, the name of the person having the least

number of votes shall be struck off the list and a fresh vote taken. This procedure shall be repeated until a majority of votes is cast in the favour of one person. An absolute majority shall mean more than 50% of those present and voting.

### **Non-Attendance at Meetings – 6 months rule**

- 18.3 A member failing throughout six consecutive months to attend any meetings of the Council and its Committees, ceases automatically to be a member of the Council unless a satisfactory excuse exists, or absence is because of a reason approved by the Council before expiry of the period. The period begins from the date of the last attendance.

### **Resignation of Councillors**

- 18.4 Any Councillor may at any time resign from the Council in writing to the Town Clerk. Any such resignation shall be effective immediately upon its receipt and shall be accepted without discussion.
- 18.5 In the event of a member ceasing to be a member of the Council for whatever reason, he shall cease to be a member of the Council's Committees, Working Panels or Task & Finish Groups, unless decided otherwise by resolution, shall cease to represent the Council upon any other body.

### **Appointments to Outside Bodies**

- 18.6 When the Council is invited to send a representative or representatives to an outside organisation, such representatives shall be elected at a meeting of the Council. The representative shall preferably be a suitably qualified member. The Council may also, if it so wishes, appoint named substitutes for such representatives if they are unable to attend meetings or functions of the outside organisation, subject to this being acceptable to the outside organisation. All such representatives shall present a brief written report of their activities at the next council meeting. The Town Clerk shall distribute such reports to all members of the Council and an opportunity to raise questions on them shall be allowed on each Council agenda.

### **Proper Officer**

- 18.7 Where a statute, regulation or order, confers functions or duties on the Proper Officer of the Council, that officer shall be the Town Clerk in the following cases:
- To receive declarations of acceptance of office
  - To receive and retain plans and documents
  - To receive and record notices disclosing pecuniary interests
  - To sign notices or other documents on behalf of the Council
  - To receive copies of bye-laws made by a District Council
  - To certify copies of bye-laws made by the Council
  - To sign summonses to attend meetings of the Council
  - To be the Responsible Financial Officer of the Council
  - In any other case the Proper Officer shall be the officer who is nominated by the Council, and in default of such nomination, the Town Clerk

## **Section F – Rights and Responsibilities**

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### **19. Rights and Responsibilities**

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#### **Members/Officers Interests**

- 19.1 If any member has a personal or prejudicial interest in any matter being considered by the Council he shall declare it in accordance with the adopted Code of Practice.
- 19.2 The Town Clerk shall record in the meetings minutes, particulars of notices of interest given by councillors.

## **Relationship to Candidates for Appointment to an Office**

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

## **Canvassing by Candidates Disqualifies**

- 19.4 Canvassing of members of the Council or any of its Committees directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.

## **Soliciting for a Candidate**

- 19.5 A councillor shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion. Nevertheless, a member may give written testimonial of a candidate's ability, experience, or character, for submission to the Council with an application for appointment.

## **Canvassing and Soliciting for Contracts**

- 19.6 Standing Orders 19.3, 19.4, and 19.5 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **Inspection of Documents**

- 19.7 A councillor may, by resolution of Full Council, inspect any document in the possession of the Council for the purpose of his duty as such (but not otherwise). This does not imply a general right to inspect all files held by the Council.

## **Inspection of Council and Committee Minutes**

- 19.8 All Council and Committee minutes shall be open for inspection by any member of the Council.
- 19.9 The minutes of the Council and Committees shall be open to inspection by any elector.

## **Signing of Documents**

- 19.10 A document shall not be signed on behalf of the Council unless its signing has been authorised by resolution.
- 19.11 No member of the Council or of any Committee or Sub-Committee shall, in the name of, or on behalf of, the Council inspect any lands or premises which the Council has a right or duty to inspect, or to issue orders, unless authorised by the Council or the relevant Committee.

## **Section G – Financial Regulations**

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### **20. Financial Regulations**

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#### **General**

- 20.1 These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 20.2 The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs.

- 20.3 The RFO shall be responsible for the production of financial management information.
- 20.4 The Council shall be responsible through the Finance Committee for ensuring that the financial management is adequate and effective and that there is a system of internal controls which facilitates the effective exercise of its functions and which manages risk.

### **Annual Estimates**

- 20.5 The Finance Committee shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of November each year.
- 20.6 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.
- 20.7 The Council shall review the estimates not later than the end of November each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 20.8 The annual budgets shall form the basis of financial control for the ensuing year.

### **Budgetary Control**

- 20.9 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the council for all items over £2,000;
  - the Clerk, in conjunction with Chairman of Council or Chairman of the Finance Committee, for any items below £2,000.

Such authority is to be evidenced by a Minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

- 20.10 The RFO shall provide quarterly to the Finance Committee with a statement of income and expenditure to date under each head of the budgets, comparing actual expenditure against that planned.
- 20.11 The Town Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Town Clerk shall report the action to the next available meeting of the Finance Committee.
- 20.12 Unspent provisions in the revenue budget may be carried forward and included as earmarked reserves in a subsequent year subject to approval of the Finance Committee.
- 20.13 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 20.14 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

### **Accounting and Audit**

- 20.15 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.
- 20.16 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 20.17 The RFO shall be responsible for completing the accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescale set by the Accounts and Audit Regulations 1996 as amended, or by the Auditor.

- 20.18 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.
- 20.19 The Finance Committee shall ensure that it is satisfied with the effectiveness of internal audit on an annual basis in accordance with the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.
- 20.20 The Internal Auditor shall carry out the work required by the RFO and the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 20.21 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

### **Banking Arrangements and Cheques**

- 20.22 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be kept under review for efficiency.
- 20.23 Cheques drawn on the Council's bank shall be signed by two members of the Council as approved annually.

### **Payment of Accounts**

- 20.24 All payments shall be effected by cheque or by BACS on the Council's bankers.
- 20.25 All invoices for payment shall be examined, verified and certified by the Town Clerk who shall satisfy herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 20.26 The RFO shall examine invoices in relation to arithmetic accuracy and shall allocate them to the appropriate expenditure heading. The Town Clerk shall take all steps to settle all invoices submitted in a timely manner.
- 20.27 The RFO shall maintain a petty cash float for the purpose of defraying minor operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

### **Payment of Salaries**

- 20.28 The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- 20.29 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates. Salaries are outsourced to Bedford Borough Council.

### **Loans and Investments**

- 20.30 Any loans and any investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 20.31 The Council shall agree an Investment Policy if it decides to make investments at any time in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).
- 20.32 Any investments of money under the control of the Council shall be in the name of the Council.
- 20.33 Any borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.

20.34 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

### **Income**

20.35 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

20.36 Particulars of all fees and charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.

20.37 The Finance & Property Management Committee will review all fees and charges annually, following a report from the Town Clerk.

20.38 Any sums found to be irrecoverable and any bad debts shall be reported to the Finance & Property Management Committee and shall be written off in the year.

20.39 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

20.40 The origin of each receipt shall be entered on the paying-in slip.

20.41 Personal cheques shall not be cashed out of money held on behalf of the Council.

20.42 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 Section 33 shall be made quarterly.

20.43 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

### **Orders for Goods, Works and Services**

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

20.45 Order systems shall be controlled by the RFO.

20.46 All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 20.51 below.

20.47 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments.

### **Contracts**

20.48 Every contract shall comply with these Financial Regulations subject to emergency requirements but taking into account normal day to day working arrangements covered by the following where it would be counter productive or impossible to obtain quotes/tenders:-

1. For the supply of gas, electricity, water, sewerage and telephone services where best value shall be obtained.
2. For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
3. For work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
4. For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.

5. For additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Town Clerk shall act after consultation with the Chairman and Deputy Chairman of the council.
6. For goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

- 20.49 Where it is intended to enter into a contract exceeding £10,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk shall invite tenders from at least three firms to be taken from an appropriate approved list following public advertisement inviting interest in tendering and if appropriate, consultation with Principal Authorities or other professional advisors
- 20.50 Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- 20.51 All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of Council.
- 20.52 If less than three tenders are received for contracts above £10,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- 20.53 When it is to enter into a contract less than £10,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph 20.51 the Town Clerk shall obtain three quotations (priced descriptions of the proposed supply); where the value is below £5,000 the Town Clerk or RFO shall strive to obtain best value at all times taking into account regulation 20.49 and regulation 20.51 above.
- 20.54 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 20.55 Whilst every effort will be made to include businesses within Hunstanton in opportunities to bid for Council work, the duty of the Council is to obtain best value and no preferential treatment can be given to local businesses within purchasing arrangements.

### **Payments under Contracts for Building or other Construction Works**

- 20.56 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 20.57 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 10% or more a report shall be submitted to the Council.
- 20.58 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Town Clerk to the Contractor in writing before any work has begun, the Council being informed where the final cost is likely to exceed the financial provision.

### **Stores and Equipment**

- 20.59 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 20.60 Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 20.61 Stocks shall be kept at the minimum levels consistent with operational requirements.

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

### **Properties and Estates**

20.63 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500.

### **Insurance**

20.64 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers

20.65 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.

20.66 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to the Finance & Property Management Committee at the next available meeting.

20.67 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

### **Charities**

20.68 Where the Council is sole trustee of a Charitable body the Town Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Town Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

### **Risk Management**

20.69 The Council shall carry out a Financial Risk Assessment on an annual basis in accordance with the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto. The minutes shall record such review of the financial risks.

### **Revision of Financial Regulations**

20.70 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.

## **Section H – Suspension and Revocation of Standing Orders and Financial Regulations**

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21. Suspension and Revocation of Standing Orders and Financial Regulations

### **Suspension and Revocation of Standing Orders and Financial Regulations**

21.1 A motion to suspend Standing Orders shall require the support of at least two-thirds of those members present to take effect. A motion shall refer specifically to suspend particular Standing Order(s) with clear reasons given and cannot be to suspend Standing Orders in general.

21.2 A motion permanently to vary or revoke a Standing Order or Financial Regulation shall, when proposed and seconded, stand adjourned without discussion to the next or other specified meeting of the Council.

21.3 Standing Orders shall be reviewed at least once every 4 years or when a new national model is published. Any proposals made shall after due consideration by the appropriate Committee be referred to the Council for further consideration. The Standing Orders as reviewed shall then stand adjourned to the next meeting to allow time for reconsideration. The Standing Orders may then be adopted at that second Council meeting unless further amendments are so significant that they require further time for consideration and deferral to a further meeting of the Council.

## **Copy of Standing Orders and Financial Regulations for Each Councillor**

21.4 A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and a written copy of any amendments to these Standing Orders shall be supplied to each member as soon as reasonably practical after the amendment has been approved by the Council.

***Note: Where in these Standing Orders words refer to the male gender they should be substituted to refer to the female gender where applicable.***