

EXMOUTH TOWN COUNCIL

Standing Orders

**Adopted by Exmouth Town Council
29th June 2009**

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Standing Orders

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Section A - Council Meetings

1. Council Meetings

Arrangements for Meetings

1.1 The Council shall agree an annual schedule of meetings showing date time and place.

1.2 The Annual Town Council meeting (in and 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.

1.4 At least six Council meetings a year including the Annual Town Council meeting will be held.

1.5 Meetings will normally be held on Mondays generally with six weekly intervals.

1.6 The Council and its Committees other than Planning Committee will normally be in recess during August.

1.7 A copy of the Council Summons and Agenda shall be sent to County Councillors and District Councillors not also Town Councillors for the Exmouth Divisions/Wards.

1.8 A copy of the Council Summons and Agenda shall be sent to the press, library and other public places deemed from time to time to be appropriate.

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

2.1 The Town Mayor and Deputy Mayor unless s/he resigns or is disqualified shall continue in office until a successor is elected.

2.2 The Town Mayor and Deputy Mayor shall be ineligible for re-election to their respective offices after a maximum of two years in continuous service. They shall be ineligible, in the following year, for re-election to the office they have held.

3. Voting

Show of Hands or Secret Ballot

3.1 Members shall vote by show of hands or by secret ballot if requested by at least two members.

Voting on Appointments

3.2 All appointments to Committees, Sub-Committees, Working Parties and Appointments to Outside Bodies shall be by secret ballot where a vote is required.

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 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 s/he did not vote on the first occasion s/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 Vice-Chairman until their term of office ends s/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.

3.7 A chairman cannot preside over his/her own election and must stand aside from the chair to allow an election to take place.

4. Quorum

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 Councillors 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

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**
- **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 Vice-Chairman (The Deputy Mayor) of the Council**
- **To receive the Vice- Chairman's (the Deputy Mayor's) declaration of office**
- **To appoint Committees, Sub-Committees and Working Parties as appropriate**
- **To appoint representatives to outside bodies**
- **To inspect any deeds, trust deeds or instruments in the custody of the Council**

5.2 The rest of the business shall be as for an Ordinary Meeting.

6. Ordinary Council Meetings

Mayor and Deputy Mayor Absent

6.1 At every meeting other than the annual meeting the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor are absent.

Order of Business

6.2 After the business above has been concluded the order of business shall, 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 in writing
- **To deal with business expressly required by statute to be done**
- To authorise the sealing or signing of documents
- 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 SO 10)
- To receive and consider reports and minutes of Committees, Working Parties, other local bodies and the Town Clerk/Town Manager 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

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.
- Six Councillors by requisition signed by each of them.

8. Public Question Time

8.1 Prior to 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 15 minutes unless extended by consent of the Council. No person may speak for longer than 3 minutes except by consent of the Council and may only speak on one matter except by the 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, Sub-Committee or Working Party or a future Council meeting to consider.

8.3 When the matter affects Principal Councils this will be followed up with the appropriate Council.

9. Resolutions, Recommendations and Notices of Motion

Resolutions

9.1 Resolutions are decisions taken under delegated powers by Committees and will often have already been acted upon. Amendments to resolutions will not be accepted at the Council meeting. If the Chairman of the Committee moving the minutes of that meeting considers that new information has been introduced s/he may agree to take the matter back to the Committee for further consideration. This will not apply where the matter under consideration has been determined as a quasi-judicial matter such as a decision under planning.

Recommendations

9.2 Recommendations of Committees are referred matters for the Council to decide and are similar to Motions and are moved when the Chairman of the Committee proposes the minutes at the Council meeting and receives a seconder. The Chairman of the Committee will in effect be the Proposer of recommendations from his/her committee as if s/he had proposed a motion. Any Councillor may move amendments to Recommendations as if they were a motion.

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 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 and shall be entered in a register open to inspection by every Councillor.
- 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.
- If the matter is within the remit of a committee, sub-committee or working party of the Council it shall stand referred as appropriate without discussion unless the matter is deemed by the Chairman of the Council to be too urgent to be delayed.
- 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 the Finance Committee or another Committee after recommendation by the Finance 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

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 12 noon on the Thursday 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

11. Rules of Debate

Minutes

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

Motions or Amendments

11.2 A motion or amendment shall not be discussed unless it has been proposed and seconded and proper notice of a motion must be given (SO 9.4). If required the amendment must be reduced to writing and handed to the Chairman. The Chairman will decide how amendments will be put to the meeting if there is more than one. In general the last amendment received is considered first but in some circumstances, to make sense of the matter in hand and to achieve the wishes of the Council, the chairman will wish to adapt the amendments to meet the wishes of the majority of Councillors present. On occasions an adjournment will be sought by the Chairman where the amendments are complicated and require consideration before being put to the Council.

11.3 No further amendment shall be moved until the Council has disposed of every amendment received when the motion was first put forward.

Description of the Nature of Amendments

11.4 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/Town Manager).

11.5 An amendment shall be either:-

- To leave out words
- To leave out words and insert others
- To insert or add words

11.6 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

11.7 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.

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

11.9 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.

11.10 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.

11.11 A diagram of the process is attached at appendix B.

Secunder

11.12 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

11.13 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

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

When to Speak

11.15 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

11.16 The Chairman will take speakers in the order in which they indicate that they wish to speak unless it is her/his judgement to do otherwise.

11.17 The Chairman will decide when a matter has been fully debated and may terminate the debate where s/he considers that all relevant points and issues have been raised and will put the matter to the vote as appropriate.

11.18 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 her/him which may have been misunderstood.

Withdrawal of Motion

11.19 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

11.20 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 Remain Seated

11.21 A member may remain seated when speaking unless requested to stand by the Chairman.

Ruling of the Chairman

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

11.23 Councillors will address all their remarks through the chair.

11.24 When the Chairman stands all Councillors will be seated and silent.

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

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

11.27 Councillors will not speak unless invited to by the Chairman.

Note:- Further guidance on Chairmanship is attached at Appendix C

Closure of a Debate

11.28 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

11.29 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.

11.30 In the case of 'The Question be now put' being carried the mover may exercise or waive his/her right of reply before that matter is put to the vote.

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

Rescission of Previous Resolution

11.32 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 13 members of the Council

11.33 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

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 14th May 2007.

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 liable and slander.

12.6 No matter will be discussed unless it is on the agenda or arising from the minutes and reports before the meeting unless it is genuinely a matter of urgency brought forward by the direction of the Chairman. (See appendix C paragraph 39)

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 SO 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

13.1 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that s/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

14.1 The public and press shall be admitted to all meetings of the Council and its Committees and Sub-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.

15. Confidentiality

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 or 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, Sub-Committee, Working Party or Board to which they are appointed 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, Sub-Committee, Working Party, Board or outside body to which h/she has been appointed by the Council.

15.4 Confidential papers shall be printed on pink paper.

Section C - Committees/Sub-Committees and Working Parties

16. Committees/ Sub-Committees and Working Parties

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 and Working Parties as are necessary, but subject to any relevant statutory provision, shall not appoint any member of a Committee, Sub-Committee or Working Party so as to hold office later than the next annual meeting, and may at any time dissolve or alter the membership of a Committee. Sub-Committee or Working Party. The Use of the term Working Party is a general term which covers Working Groups or Task and Finish Forums.

16.2 The Chairman and Vice Chairman of the Council shall be members of every Committee (Ex-Officio – non-voting)

16.3 The Council shall, at its Annual Meeting, elect a Chairman and Vice-Chairman for each Committee, who shall hold office until the next annual meeting of the Council.

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 a quarter 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 Sub-Committees and Working Parties

16.6 Every Committee may appoint Sub-Committees and Working Parties for purposes to be specified by the Committee.

16.7 The Chairman and Vice Chairman of the Committee shall be members of every Sub-Committee/Working Party 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 or Sub-Committee shall be half of its members or the next whole number above half its members (excluding ex-officio members)

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 and Sub-Committee meetings in so far as they are appropriate.

Voting

16.10 Members of Committees and Sub-Committees shall vote by a clearly visible show of hands or, if at least two members so request, by a secret ballot.

16.11 THE CHAIRMAN OF A COMMITTEE AND OF A SUB-COMMITTEE SHALL IN THE CASE OF AN EQUALITY OF VOTES HAVE A CASTING VOTE.

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 shall, unless the Council orders otherwise, be entitled to be present as a spectator at the meetings of any Committee or Sub-Committee of which he is not a member, and may speak with the permission of the Chairman of the Committee or Sub-Committee.

Membership of Committees

16.14 The Council shall appoint Committees consisting of members of the Council as from time to time elected by the Council but with at least two representatives from each ward for the Planning Committee and with at least one representative from each ward on the other Committees. 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 Parties

16.16 The Council or a Committee may appoint such Working Parties as it wishes to undertake specified tasks or consider and review specified issues.

Provisions relating to Working Parties

16.17 The following provisions relate to Working Parties:-

- Working Parties have no power of decision.
- The Council or appointing Committee shall approve the terms of reference of the Working Party.
- The Council or Committee shall appoint members of the Council to the Working Party.
- The Working Party shall appoint a Chairman and, if appropriate, a Vice-Chairman from amongst the appointed councillors.
- Working Parties 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 Party.
- The Chairman of each Working Party shall produce a report of the business of the Working Party provided it has met not less than every three months and specifying any recommendations to the Council/Committee agreed by the Working Party. 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/Committee Meeting

16.18 Any decision which is, in the opinion of the Mayor or Committee Chairman (and Working Party Chairman if appropriate) 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 Mayor or Committee Chairman (and Working Party Chairman if appropriate) and the Town Clerk, is urgent and of a non-controversial nature may be made by the Town Clerk in consultation with the Mayor or Committee Chairman (and Working Party Chairman if appropriate) 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 Mayor or relevant Committee Chairman and or the ward members, subject to any criteria which may be agreed.

Section D – Town Meeting

17. Town Meeting

17.1 The annual town meeting will be held on the third Monday in March of each year unless the Council decides otherwise. It is required to be held between 1st March and 1st 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 applies to Town Meetings.

Section E – Appointments to Office

18. Appointments to Office

Declarations of Acceptance of Office

18.1 In the election year Councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of the 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 or 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 or any Committee, Sub-Committee or Working Party, or office thereof 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, s/he shall cease to be a member of the Council's Committees or Sub-Committees, or 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 (or substitutes) shall present a brief written report of their activities on behalf of the Town Council not less than every three months. The 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 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 Clerk

Section F – Rights and Responsibilities

19. Rights and Responsibilities

Members/Officers Interests

19.1 If any member has a personal or prejudicial interest in any matter being considered by the Council h/she shall declare it in accordance with the adopted Code of Practice.

19.2 The Clerk shall record in a book kept for the purpose, particulars of notices of interest given by Councillors or Officers and this shall be open for inspection during normal office hours by Councillors.

Relationship to Candidates for Appointment to an Office

19.3 If a candidate for any appointment under the Council is, to his/her knowledge, related to any member of the Council or to the holder of any office under the Council, s/he and the person to whom s/he is related shall disclose the relationship to the 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 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. The Clerk shall make known the purport of this Standing Order to every candidate.

Canvassing by Candidates Disqualifies

19.4 Canvassing of members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-clause to every candidate.

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, for the purpose of his/her duty as such (but not otherwise), inspect any document in the possession of the council, and if copies are available shall, on request, be supplied with a copy for the like purpose. This does not imply a general right to inspect all files held by the Council.

Inspection of Council/Committee Minutes

19.8 All Council, Committee and Sub-Committee minutes shall be open for inspection by any member of the Council.

19.9 The minutes of the Council/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 or Sub-Committee.

Section G – Financial Regulations

20. Financial Regulations

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.

20.5 The Finance Committee shall review at least once a year the effectiveness of its systems of internal controls and shall produce a statement on internal control with its statement of accounts

Annual Estimates

20.6 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.

20.7 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.

20.8 The Council shall review the estimates not later than the end of January 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.

20.9 The annual budgets shall form the basis of financial control for the ensuing year.

20.10 The Council shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments which shall be prepared at the same time as the annual Budget or Estimates.

Budgetary Control

20.11 The RFO shall regularly provide the Finance Committee with a statement of income and expenditure to date under each head of the budgets, comparing actual expenditure against that planned.

20.12 The 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 Clerk shall report the action to the next available meeting of the Finance Committee.

20.13 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.

20.14 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.

20.15 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

Accounting and Audit

20.16 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.

20.17 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.

20.18 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 set by the Auditor.

20.19 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. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

20.20 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.

20.21 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.

20.22 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.

20.23 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

20.24 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be kept under review for efficiency.

20.25 Any member shall be able to inspect all payments and income of the Council subject to allowing sufficient time for this information to be provided.

20.26 Cheques drawn on the Council's bank shall be signed by two members of the Council as approved annually.

Payment of Accounts

20.27 All payments shall be effected by cheque or other order drawn on the Council's bankers.

20.28 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.

20.29 The RFO shall examine invoices in relation to arithmetic accuracy and shall allocate them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted in a timely manner.

20.30 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.

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

Payment of Salaries

20.32 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.

20.33 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.

Loans and Investments

20.34 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.

20.35 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).

20.36 Any investments of money under the control of the Council shall be in the name of the Council.

20.37 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.

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

Income

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

20.40 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.

20.41 The Finance Committee will review all fees and charges annually, following a report of the Clerk.

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

20.43 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.

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

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

20.46 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 at least annually coinciding with the financial year end.

20.47 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

20.48 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.

20.49 Order systems shall be controlled by the RFO.

20.50 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.

20.51 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

20.52 Procedures as to contracts follow. 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:-

- (i) for the supply of gas, electricity, water, sewerage and telephone services where best value shall be obtained;
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk shall act after consultation with the Chairman and Vice Chairman of the Finance Committee);
- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

20.53 Where it is intended to enter into a contract exceeding £20,000 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 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

20.54 When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Finance Committee.

20.55 Such invitation to tender shall state the general nature of the intended contract and the 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 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.

20.56 All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.

20.57 If less than three tenders are received for contracts above £20,000 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.

20.58 When it is to enter into a contract less than £20,000 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 Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 the Clerk or RFO shall strive to obtain best value at all times taking into account regulation 20.49 and regulation 20.51 above.

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

20.60 Whilst every effort will be made to include businesses within Exmouth 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

20.61 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).

20.62 Where contracts provide for payment by installments 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.

20.63 Any variation to a contract or addition to or omission from a contract must be approved by the Council and 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

20.64 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

20.65 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.

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

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

Properties and Estates

20.68 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held.

20.69 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

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

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

20.70 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 Committee at the next available meeting.

20.71 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

20.72 Where the Council is sole trustee of a Charitable body the 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 Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

Risk Management

20.73 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

20.74 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

21 Suspension and Revocation of Standing Orders and Financial Regulations

Suspension and Revocation of Standing Orders and Financial Regulations

21.1 Subject to Standing Orders 21.2 to 21.5 below, any of the preceding Standing Orders except those in **BOLD** type may be suspended in relation to a specific item of business at the meeting at which the suspension is moved.

21.2 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.

21.3 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.

21.4 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

21.5 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.