

WESTBURY TOWN COUNCIL

STANDING ORDERS
Following LGA 1972 schedule 12, part VI para 42

2018



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Please note, standing orders that are in a bold type reference statutory requirements

WESTBURY TOWN COUNCIL

STANDING ORDERS 2018

COUNCIL MEETINGS

1. Meetings of the Town Council shall be held at The Laverton at 7 o'clock in the evening unless the Council otherwise decides at a previous meeting.
 - (a) **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
 - (b) **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
2. The statutory annual meeting:
 - (a) **in an election year shall be held within fourteen days of the date of election**
 - (b) in a year which is not an election year shall be held on the first Monday in May or an alternative day should the day clash with a Bank Holiday.
3. **Legal requirement to publish meeting dates;** The other scheduled Town Council meetings shall be held on the first Monday in the months of July, September, November, January and March.
 - (a) A summons to attend Council meetings will be issued by The Clerk to all members.
 - (b) Members have the choice of receiving their summons by electronic communication or as a paper copy.
 - (c) In addition, the summons will be published on the Town Council website and town noticeboards.
4. **The summons must be issued three clear days before the meeting, not including the day of issue or the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
5. The summons will contain the date, time & location of the meeting and sufficient information in an agenda to identify the subjects for debate and motions to be considered. Supporting documents will be available electronically or can be viewed at the council office prior to the meeting.
6. **The Chair of the council may summon an extraordinary meeting of the council at any time.**
7. **If the Chair of the Council does not or refuses to 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 summons giving the time place and agenda must be signed by the two councillors.**

- (a) The summons shall set out the business to be considered at the special meeting and no other business shall be transacted.
- 8. A meeting shall not exceed a period of 3 hours.

CHAIR OF MEETING

- 9. **The Chair of council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the vice-Chair shall preside. If both the Chair and vice-Chair are absent from the meeting a councillor as chosen by the councillors present shall preside.**
- 10. The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.
- 11. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the council may in his absence be done by, to or before the vice-Chair of the council (if any).**

QUORUM

- 12. **At Town Council meetings five members shall constitute a quorum.**
 - (a) At committee meetings three members or one-third of the total membership, whichever is the greater, shall constitute a quorum.
 - (b) At working group meetings three members or one-third of the total membership, whichever is the greater, shall constitute a quorum
- 13. **If a quorum is not present when the Council meets, or if during a meeting the number of Councillors present falls below the quorum, the Chair must close the meeting**
 - (a) the business not transacted at that meeting shall be transacted at the next meeting or on such other day the Chair may fix.

PROPER OFFICER

- 14. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, that officer shall be the Clerk, and, or if appropriate, an officer appointed by the Town Clerk:
 - (a) **To receive declarations of acceptance of office.**
 - (b) To hold a copy of every councillors, register of interests.
 - (c) **To receive written requests for dispensations.**
 - (d) **To decide whether to grant a dispensation. This decision is final.**
 - (e) To receive and retain plans and documents.
 - (f) To sign notices or other documents on behalf of the Council.
 - (g) **facilitate inspection of the minute book by local government electors**
 - (h) **To receive copies of byelaws made by Wiltshire Council.**
 - (i) To certify copies of byelaws made by the Council.
 - (j) **To sign summonses to attend meetings of the Council (excluding Annual Town Meetings and Extraordinary Town Council meetings).**
 - (k) In any other case the proper officer shall be the person nominated by the Council and, in default of the nomination, the Clerk.

CODE OF CONDUCT, INTERESTS & DISPENSATIONS

15. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
 - (a) Westbury Town Council has adopted the Wiltshire Council **Code of Conduct** (a link can be found on the Town Council website) as of June 2013 following the provisions of the Localism Act 2011s27 3a & 3b.
16. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
17. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
18. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
19. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A dispensation request shall confirm:

 - (a) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - (b) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - (c) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - (d) an explanation as to why the dispensation is sought.
20. A dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
21. **A dispensation may be granted by the proper officer if having regard to relevant circumstances, any of the following applied: -**
 - (a) **Without dispensation the number of persons prohibited from participating in the particular business would be so greater proportion as to impede the transaction of that business or**
 - (b) **Granting dispensations is in the interests of persons living in the council's area or**
 - (c) **It is otherwise appropriate to grant a dispensation**
22. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

23. A dispensation is not required when a contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.

VOTING

24. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of councillors with voting rights present and voting.**
25. **The Chair and deputy Chair may cast an original vote on any matter placed before the council.**
- (a) The Chair may not give an original vote in the election of a Chair on any occasion when he or she will retire from the council immediately after such an election.
26. **Members shall vote by show of hands** or other appropriate public indication.
27. In any case of an equality of votes the Chair may give a casting vote irrespective of how his or her original vote was cast.
28. **If a member so requires, the clerk shall record the names of the members who voted so as to show whether they voted for, against.** (LGA1972 schedule 12 s13(2))

MINUTES

29. The minutes of a meeting shall include an accurate record of the following:
- (a) the time and place of the meeting;
- (b) the names of councillors who are present and the names of councillors who are absent;
- (c) interests that have been declared by councillors and non-councillors with voting rights;
- (d) the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- (e) whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- (f) if there was a public participation session; and
- (g) the resolutions made.
30. Minutes will always be available for inspection at the Town Council offices and it is the aim of Town Council to publish minutes electronically, as soon as possible.

ORDER OF BUSINESS

31. At each ordinary Annual Town Council meeting the first business shall be:
- (a) **to elect a Chair**
- (b) **to receive the Chair's declaration of acceptance of office, or if the elected Chair is not present, to decide when it shall be received (LGA 1972 s83 4);**
- (c) to appoint a vice-Chair; **(LGA 1972 s15 (6))**

- (d) to nominate representatives on other bodies, but should the representative become an officer of that body they cease to represent Town Council on that body. Town Council will then appoint a new representative to that body.
 - (e) to recommend school governors if requested;
 - (f) to appoint statutory or standing committees;
 - (g) to consider the payment of any subscriptions falling to be paid annually;
 - (h) hereafter follow the order set out in Standing Order 33.
32. At every meeting other than the annual meeting the first business shall be to **appoint a councillor to preside if the elected Chair and vice-Chair are absent at that meeting** (Standing Order **Error! Reference source not found.**) and to receive such declarations of acceptance of office, if any are scheduled by the council and as required by law and if not then received to decide when they shall be received (**LGA 1972 s83 4**).
33. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows: -
- (a) To receive apologies
 - (b) To receive dispensations
 - (c) To receive declarations of interest
 - (d) To read and consider the minutes;
 - i) provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
 - (e) After consideration by the members present and they are giving their consent the Chair may sign the minutes as a true and fair record.
 - i) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
 - (f) After the minutes have been signed the meeting to deal with business as required by statute.
 - (g) To dispose of business, if any remaining from the last meeting.
 - (h) To receive and consider reports and minutes of committees and advisory committees.
 - (i) To receive and consider reports from officers of the Council.
 - (j) To receive reports where relevant or requested from unitary councillors
 - (k) To authorise the sealing of documents.
 - (l) To authorise the signing of orders for payment.
 - (m) To consider motions or recommendations in the order in which they have been notified.
 - (n) Other business specified in the summons.
34. A motion to vary the order of business on the ground of urgency:
- (a) May be proposed by the Chair or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and
 - (b) Shall be put to the vote without discussion.

**MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN
TO THE PROPER OFFICER**

35. Every resolution or recommendation must be relevant to some question over which the Council has power, or which affects its area of interest.
36. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
37. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 36, correct obvious grammatical or typographical errors in the wording of the motion.
38. If the Proper Officer considers the wording of a motion received in accordance with standing order 36 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
39. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
40. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
 - (a) The proper officer shall date every notice of motion or recommendation when received and shall number each notice in the order in which it was received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
 - (b) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

RESOLUTIONS MOVED WITHOUT NOTICE

41. Resolutions dealing with the following matters can be moved without notice:
 - (a) To appoint a person to preside at a meeting.
 - (b) To correct the minutes.
 - (c) To approve the minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a committee.
 - (h) To appoint a committee or any members thereof.
 - (i) To adopt a report.
 - (j) To authorise the sealing of documents.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a motion or amendment.
 - (m) To extend the time limit for speeches.
 - (n) To consider otherwise than in committee a question affecting an employee of the Council.

(The two following resolutions are governed by the Standing Orders on the admission of public to meetings.)

- (o) To exclude the press.
- (p) To exclude the public.
- (q) To put the Motion to a vote.
- (r) To not hear further from a councillor or member of the public.
- (s) To exclude a councillor or member of the public from the meeting for disorderly conduct.
- (t) To give the consent of the council where such consent is required by these Standing Orders.
- (u) To suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- (v) To adjourn the meeting; or
- (w) To close the meeting

DISORDERLY CONDUCT AT MEETINGS

- 42. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 43. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 44. If a resolution made under standing order 43 is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

RULES OF DEBATE

- 45. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chair. (Factual errors in the minutes can be corrected at any time by resolution).
- 46. General rules:
 - (a) A resolution shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given.
 - (b) An amendment shall not be discussed unless it has been proposed and seconded; it shall, if required by the Chair, be produced in writing and handed to him before it is further discussed or put to the meeting.
 - (c) If the subject matter of a resolution comes within the province of a committee of the council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the council may determine for report. If the Chair considers it to be a matter of urgency, the resolution may be dealt with at the meeting at which it was moved.
 - (d) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - (e) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - (f) No speech shall exceed five minutes, except by consent of the council.
 - (g) An amendment shall be either:
 - i) To leave out words.
 - ii) To leave out words and insert or add others.
 - iii) To insert or add words.

- (h) An amendment shall not negate the motion nor have the effect of materially altering or changing the motion before the council.
 - (i) If any amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
 - (j) A further amendment shall not be moved until the council has disposed of every amendment previously moved.
 - (k) The mover of a resolution or of an amendment shall have a right of reply.
 - (l) A member, other than the mover of a resolution, shall not, without leave of the council, committee or Chair, speak more than once on any resolution except to move an amendment, or on a point of order, or in personal explanation, or to move the closure.
 - (m) During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
 - (n) A motion or amendment may be withdrawn by the proposer with the unanimous consent of the Council, which shall be signified without discussion. No member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - (o) When a resolution is under debate no other resolution shall be moved except the following:
 - i) To amend the resolution.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate.
 - iv) That the question be now put.
 - v) That a member named be not further heard.
 - vi) That a member named to leave the meeting
 - vii) That the resolution be referred to a committee.
 - viii) To exclude the public or the press or both.
 - ix) To adjourn the meeting.
 - x) To suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
47. The Chair
- (a) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
 - (b) Members shall address the Chair, and when doing so at Full Council be standing (except when a person has a disability or is likely to suffer discomfort).
 - i) The Chair of the meeting may at any time permit a person to be seated when speaking.
 - (c) If two or more members rise, the Chair shall call upon one of them to speak and the others shall resume their seats.
 - (d) Whenever the Chair rises during a debate all other members shall be seated and silent.
48. At the end of any speech:
- (a) a member may, without comment, move
 - i) "that the question be put"
 - ii) "that the debate be now adjourned"
 - iii) "that the council adjourn".

- (b) If such motion is seconded and if the Chair is of the opinion that the question before the council has been sufficiently debated (but not otherwise), he shall forthwith put the motion.
- (c) If the motion “that the question be now put” is carried the Chair shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived.

RIGHT OF REPLY

49. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote.
- (a) If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.
 - (b) A member exercising a right of reply shall not introduce new matter.
 - (c) After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
 - (d) The adjournment of a debate or of the council shall not prejudice the mover’s right of reply at the resumption.

ALTERATION OF RESOLUTION

50. Other members may propose amendments which may either be accepted by the proposer or adopted by vote by Council or Committee. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

51. A decision (whether affirmative or negative) of the Council or a committee under its delegated power shall not be reversed within six months save by a special resolution, the written notice whereof bears the names and signatures of at least seven members of the Council.
52. When a resolution has been disposed of, no similar resolution may be moved within a further six months.
- (a) This Standing Order (52) refers to decisions made by Town Council and does not apply to Working Groups, Task and Finish Groups or Committees, which can revisit any recommendation prior to submission to Town Council or Committee.
 - (b) When a power is delegated to a committee, the six-month rule is applicable at that committee to any decisions made using that power
 - (c) Town Council may revisit a decision made under delegated powers by a Committee within six months.
 - i) After such a decision has been considered by Town Council, it becomes subject to the six-month rule.

VOTING ON APPOINTMENTS

53. 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.
- (a) Where more than one vacancy exists, each member shall have one vote per vacancy with candidate receiving lowest number of votes being eliminated. The process repeats until the remaining candidates are same in number as the number of vacancies.

DISCUSSIONS & RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

54. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee after taking advice from the Clerk (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 82)

SEALING OF DOCUMENTS

55. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution, and it shall be applied by the proper officer in the presence of two members, who shall sign the document as witnesses.

COMMITTEES AND WORKING GROUPS

56. The Council may:
- (a) at the Annual Town Council Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision.
- (b) **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- (c) shall not appoint any member of a committee so as to hold office later than the next Annual Town Council Meeting;
- (d) may at any time dissolve or alter the membership of a committee; and
- (e) Any member (other than Mayor or Deputy Mayor) may be appointed to Highways, Planning & Development Committee, Policy & Resources Committee and/or Finance Committee at the first meeting of the Town Council.
- (f) The Chair of Town Council may not be Chair of the Finance Committee.
- (g) If the Chairs of the HP&D and P&R Committees are elected to the Finance Committee, they are ineligible to be elected to the office of Chair or vice-Chair of the Finance Committee.
- (h) If insufficient candidates are not forthcoming for a committee Town Council may appoint at the next meeting.
- (i) All members of the Town Council are eligible to sit on all working & task and finish groups regardless of the originating committee.
- (j) When Town Council, or a committee, wishes to set up a new working group or task and finish group, the Town Clerk to notify all members of Council prior to that meeting requesting any applications to sit on that group, and at that meeting those applications to be considered.

57. The Chair and vice-Chair of the Council may be ex-officio voting members of every committee and working group of the council.
58. Every committee shall at its first meeting before proceeding to any other business, appoint a Chair and may elect a vice-Chair – in general the term of office will be until the next annual meeting of the Council.
 - (a) The Chair and vice-Chair of committees should serve in office for no more than two consecutive years in the electoral lifetime of the Council.
 - (b) There is no presumption that the vice-Chair of a committee will automatically succeed as Chair of that committee and at an election for Chair any member may be proposed.
 - (c) Any member wishing to be considered for election to the office of Chair or vice-Chair of a committee of the Council, and who is unable to attend the relevant meeting (or meetings), should apply to the Town Clerk in writing, or by e-mail, before the said meeting.
59. The Chair of a committee, if present, shall preside at a meeting. If the Chair is absent from a meeting, the vice-Chair shall preside. If both the Chair and vice-Chair are absent from the meeting a councillor as chosen by the councillors present shall preside.
60. The Chair of a committee may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee.
 - (a) The summons shall set out the business to be considered at the special meeting and no other business shall be transacted.
61. Committee and Sub-Committees
 - (a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
 - (b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
 - (c) Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
62. Delegated Powers; powers delegated to committees or sub-committees, shall be as defined in the Town Council Scheme of Delegation as updated and approved time to time by the Town Council.
 - (a) **Certain powers of the Town Council cannot be delegated by law** and these are listed in the Scheme of Delegation.
63. The Town Council and every committee may appoint working groups or task and finish groups for purposes to be specified by the Council or specific committee. Where Task and Finish or Working Groups are set up Terms of Reference must be the first item on the agenda of that group.
64. No committee/working group shall appoint a member of such a committee to negotiate with another Authority if that member is currently a member of that Authority.
65. Except where ordered by the council in the case of a committee, or by the council or by the appropriate committee, in the case of a working group the quorum of a working group shall be 3 members.

66. Task and Finish and Working groups do not have power to make binding decisions.
67. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order(s) on Code of Conduct, Disorderly Conduct, Minutes, Dispensations, Interests of members in contracts and other matters shall apply to all meetings.

VOTING IN COMMITTEES

68. Members of committees and working groups shall vote by show of hands, or other appropriate public indication.
69. **The Chair of a committee or working group may give a second or casting vote in the event of a tied vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

70. A member who has proposed a motion, which has been referred to any committee of which he is not a member, may explain his motion to the committee, but shall not vote.
71. Any member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or working group of which he is not a member, and may speak at the invitation of the Chair, but may not vote.

REGISTER OF GIFTS

72. The Clerk to maintain the Register of Gifts
 - (a) All staff/members to notify/record gifts which are over £25.00.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

73. If a candidate for any employment under the council is to his knowledge related to any member of or the holder of any office under the council, he and the person to whom he is related shall disclose the relationship in writing to the clerk.
 - (a) A candidate who fails so to do shall be disqualified for such employment, and, if appointed, may be dismissed without notice.
 - (b) The clerk shall report to the council or to the appropriate committee any such disclosure.
 - (c) Where relationship to a member is disclosed, the Standing Orders on interests of members in contracts and other matters shall apply.
 - (d) The clerk shall make known the purport of this Standing Order to every candidate.
74. Canvassing of members, directly or indirectly, for any employment by the Council shall disqualify the candidate for such appointment. The Clerk shall make this rule known to every candidate.

75. A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial for submission to the Council with an application for appointment.
- (a) This does not apply to councillors who wish to stand for council office.
76. Standing Orders, No 73 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

77. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
78. All minutes kept by the council and by any committee shall be open for inspection by any member of the council.
79. The Minutes of the Council and committees (except those when the press and public have been excluded) shall be open to public inspection.
80. Documents will also be available on the council website in accordance with the publication policy.

UNAUTHORISED ACTIVITIES

81. No member of the Council or of any committee or working group shall in the name of or on behalf of the Council:
- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders; unless authorised to do so by the council or the relevant committee or sub-committee; or
- (c) by word of mouth, or through literature, give grounds to believe that such actions have the approval of the Town Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

82. **The public and the press shall be admitted to all meetings of the council and its committees. The council may vote under certain circumstances to temporarily exclude the public, press or both by means of the following resolution.**
“That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the press public and press public be temporarily excluded and they are instructed to withdraw.”
83. A Public Forum shall be held at the commencement of each Town Council and Committee Meeting. Members of the public are required to register within the ten minutes prior to the start of the meeting, there will be a maximum input per person of five minutes, and the Forum shall not exceed thirty minutes.
84. **A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public.**
To “report” means to film, photograph, make an audio recording of

meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

[In order to facilitate any of these activities, it would be helpful if the clerk were informed prior to the meeting but this is not a requirement.]

- 85. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- 86. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
87. At all meetings of the Council the Chair may, at his discretion and at a convenient time in the transaction of the business, adjourn the meeting so as to allow any member of the public to address the meeting in relation to the business to be transacted at that meeting.
88. If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that the offender be removed from the Council Chamber, or that the part of the Chamber open to the public be cleared.

CONFIDENTIAL BUSINESS

89. No member of the Council, or of any committee or working group shall disclose to any person not a member of the Council any business declared to be confidential by the Council, committee or working group, as this might breach the integrity requirement of the council's Code of Conduct. It may also be a breach under the General Data Protection Regulations.
 - (a) And specifically; any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

LIAISON WITH WILTSHIRE COUNCILLORS

90. A notice of meeting shall be sent, together with an invitation to attend, to the Wiltshire Councillors representing the Westbury wards.
91. Unless the Council otherwise orders, a copy of each letter ordered to be sent to Wiltshire Council shall be transmitted to the Wiltshire Councillor for the ward concerned.
92. Any Wiltshire Councillor elected to represent Westbury can make a report (on a Wiltshire Council matter) at any Town Council/Committee meeting at the specific agenda item.
 - (a) Wiltshire Councillors wishing to discuss matters concerning Wiltshire Council at a Town Council meeting should notify the Town Clerk prior to the summons being issued unless the item has arisen since the summons was published.

PLANNING APPLICATIONS

93. Planning Applications on which Westbury Town Council is Statutory Consultee

- (a) The Clerk shall refer every notified planning application to the Chair of the appropriate committee, or to the Council.
- (b) Every planning application notified to the Council shall be recorded in the minutes of the appropriate committee, or of the Council.

MANAGEMENT OF INFORMATION

94. Council's duty with respect to data
- (a) **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
 - (b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
 - (c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
 - (d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

95. Any or every part of the standing orders, except those which are mandatory law, may be suspended by resolution in relation to any specific item of business.
96. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least (7) councillors.

STANDING ORDERS TO BE GIVEN TO MEMBERS

97. A printed copy of these Standing Orders and Financial Regulations shall be given to each member by the clerk upon delivery to him of the member's declaration of acceptance of office.
98. If and when amendments are made to Standing Orders and Financial Regulations, the amended page will be re-issued to members of the council at the earliest opportunity.

CAPITAL PURCHASES / PROJECTS

99. Decisions on capital expenditure, can only be taken by full Town Council.
100. A capital purchase or project is defined as any such expenditure above £1,000.00.

- (a) A major capital project is defined as any such expenditure above £10,000.00

FINANCIAL CONTROLS AND PROCUREMENTS

101. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- (a) the keeping of accounting records and systems of internal controls;
 - (b) the assessment and management of financial risks faced by the Council;
 - (c) the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - (d) the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - (e) whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
102. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 103. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
104. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- (a) specification for the goods, materials, services or the execution of works shall be drawn up;
 - (b) an invitation to tender shall be drawn up to confirm
 - (c) the Council's specification
 - (d) the time, date and address for the submission of tenders
 - (e) the date of the Council's written response to the tender and
 - (f) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - (g) the invitation to tender shall be advertised in any manner that is appropriate;
 - (h) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - (i) tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - (j) tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
105. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 106. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or**

other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

- 107. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

RESPONSIBILITIES TO PROVIDE INFORMATION

- 108. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- 109. The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 110. The Council shall appoint a Data Protection Officer.**
- 111. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 112. The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 113. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- 114. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- 115. The Council shall maintain a written record of its processing activities.**

Westbury Town Council has chosen to refer to the Chair of the council as Town Mayor. The terms Chair and Mayor may be used interchangeably throughout this and other council documents.

The Clerk is the Proper Officer and the terms Clerk and Proper Officer may be used interchangeably throughout this and other documents.

