

# Alnwick Town Council Constitution

Standing Orders and Financial Regulations

14th April 2011. (amended April 2012, April 2013, April 2014 and April 2015, April 2016 and April 2017)

**Final Version**

*Alnwick Town Council agreed a new constitution at a meeting held on 14<sup>th</sup> April 2011. This sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.*

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## Standing Orders

### 1. Council structure

- a) The following shall be the Standing Committees of the Council and they shall have the scope and delegated powers to act, as set out below.

<b>Committee</b>	<b>Membership</b>	<b>Scope</b>
Planning, Highways and Transport	12 Councillors (Quorum 4)	Car Parking Local Transport Plan Other planning matters Planning Applications Street Naming Neighbourhood Plan Trees
Finance and Policy	5 Councillors plus the Mayor or Deputy Mayor and Chairs of the standing committees (11 in total) (Quorum 4)	Audit & Budgets CCTV Civic Matters Constitution Community Partnership Council Strategy Economic Development Financial Management Freedom of Information Grants to outside bodies Health & Safety Internal Communication HR New Responsibilities Organisational Development Partnerships Risk Management Relationships with other councils Training Town Twinning
Recreation and Amenities	11 Councillors (Quorum 4)	Allotments Community Projects Bus Shelters Events Memorials Planting Play Areas Public Seats Tourism Town Signage
Cemetery	8 Councillors plus a representative from Denwick parish council (Quorum 3)	Running of Alnwick cemetery

- b) Each Committee will deal with the functions set out under the heading of 'scope'. Once the Council's annual budget is set, each committee has delegated authority to operate within its budget and can spend up to the approved limits. Each Committee Chairman will be regarded as the Council's spokesperson and lead councillor for the functions that are set out in the scope of the Committee.

## **2. Scheme of Delegation**

Only the Full Council will exercise the following functions:

- The budget, including the allocation of financial resources to committees, reserves policy, setting of the precept and all matters concerning the Annual Return.
- Adopting and changing the constitution
- Appointing the Mayor, Deputy Mayor and Chairs and Vice Chairs of Committees
- Appointing Representatives to outside bodies unless delegated to committees
- Agreeing the terms of reference for committees and deciding their composition and making appointments to them
- Dissolving a committee
- Agreeing the Alnwick and Denwick Neighbourhood Plan
- Agreeing the Council's response to Local Plan issues, Local Transport Plan priorities and any proposals affecting boundary of the town council area.
- Confirming the appointment or dismissal of the Proper Officer of the Council
- Approving and adopting the minutes of committees
- Arrangements for filling vacancies to the Town Council
- Agreeing the Risk Management Action plan
- To respond to consultations on matters not delegated to committees
- Endorse external funding bids made on behalf of the Council
- All other matters in law reserved to the council or not delegated to committees

### **Planning, Highways and Transport Committee**

The Planning, Highways and Transport Committee is authorised to make binding decisions on behalf of the Town Council with regard to all aspects listed below:

1. To make representations to the Planning Authority on planning applications
  2. To make representations to the Planning Authority on any other planning matter that affects the town council area
  3. To make recommendations to the Council on the Local Plan issues
  4. To make representations in respect of appeals against the refusal of planning permission
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5. To make recommendations to the Planning Authority regarding street and development naming
6. To consider and monitor the town and other development plans and the making of all representations
7. To make representations to the Planning Authority on Tree Preservation Orders and other planning matters
8. To make representations to the appropriate authority in respect of car parking, transport services and highway, pavement and footpath matters
9. To respond to consultations on planning, highway and transport matters and to make recommendations to the Council on the Local Transport Plan priorities

### **Cemetery Committee**

The Cemetery Committee is authorised to make binding decisions on behalf of the Town Council with regard to all aspects listed below:

1. Dealing with all aspects of the provision, management and maintenance of cemeteries in Alnwick
2. To make recommendations to the Council on the annual committee budget and the level of fees and charges
3. To manage the committee budget and operate within the approved limits
4. To respond to consultations and make representations on cemetery matters

### **Recreation and Amenities Committee**

The Recreation and Amenities Committee is authorised to make binding decisions on behalf of the Town Council with regard to all aspects listed below:

1. Dealing with the provision, maintenance and management of town council owned play areas and allotments in the Town Council area
  2. Dealing with the provision, maintenance and management of town council owned street furniture, including:
    - a) Public Seats
    - b) Bus Shelters
    - c) Litter & Dog Bins
    - d) Public Notice Boards
    - e) Town Map Display Cases
    - f) Planters
  3. Dealing with the maintenance & management of town council owned or managed memorials and statues
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4. To manage or give coordination and direction to environmental improvement projects
5. To keep the support to events in the town under review and to award grants in accordance with the current scheme
6. To be responsible for council run events and be the council lead on new events and festivals (civic, ceremonial and public) in the town council area
7. Dealing the provision of planting and grass cutting as it relates to town council responsibility
8. To be responsible for the Council's external communication
9. To make recommendations to the Council on the annual committee budget and the level of fees and charges
10. To manage the committee budget and operate within the approved limits
11. To respond to consultations and make representations on recreation and amenities matters.

### **Finance & Policy Committee**

The Finance & Policy Committee is authorised to make binding decisions on behalf of the Town Council with regard to all aspects listed below:

1. Dealing with matters and requirements relating to the day to day administration including the accommodation of the Council
2. Dealing with staffing matters, appointments, dismissals, terms and conditions, training etc.
3. To keep the grants to outside organisations scheme under review and to award grants in accordance with the current scheme
4. Giving consideration to, agreeing and making a recommendation to Council in respect of the council's budget, precept and final accounts
5. Consideration of end of year processes, internal controls, and internal audit
6. To be the lead committee and make recommendations to the Council on risk management, the relationship with other councils, new policies and partnerships
7. To make financial investments
8. Dealing with all insurance matters
9. Responsible for health & safety matters
10. Responsible for maintaining links with the council's twin towns
11. To make recommendations to the Council on the annual committee budget and the level of fees and charges
12. To manage the committee budget and operate within the approved limits
13. To respond to consultations and make representations on finance and policy matters.

**3. Sub-committees**

Every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee and subsequently ratified by the council.

**4. Advisory committees**

The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

**5. Working groups**

The Council and the Committees may appoint working groups; these generally will be time limited and focus on a specific issue.

**6. Chairing the Council Meetings**

- a The Mayor, and in his or her absence the Deputy Mayor will have the following roles and functions:
  - i. A civic ceremonial role; the Mayor shall be regarded as the first citizen of the town, and be the main spokesperson for the Council and,
  - ii. Chairing the full Council meeting. The Mayor will be elected annually and will preside at Council meetings. The Deputy Mayor will act as Vice-Chairman.
- b Neither the Mayor nor the Deputy Mayor are able to take a committee chairman or vice chairman, position.

**7. Meetings**

- 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. Under no circumstances can alcohol be consumed during a meeting.
- b When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, or a bank holiday or a day appointed for public thanksgiving or mourning, shall not count.
- c Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

- d The council will have an open public session at the beginning of each council meeting. This will enable people to put questions or draw relevant matters to the attention of the council. This is for a period of 15 minutes overall, and is limited to no more than 5 minutes per person although the Chairman will have discretion to allow an individual person longer. Any question which cannot be dealt with during public question time will be dealt with by a written response. Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Committee.
- e Subject to standing order 6(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. (This is in addition to the open public session at the beginning of the meeting which is outlined in (d) above).
- f The period of time which is designated for public participation on agenda business in accordance with standing order 6(e) above shall not exceed 15 minutes.
- g Subject to standing order 6(f), each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes.
- h In accordance with standing order 6(e) above, a question asked by a member of the public on an agenda item at a meeting shall not require a response or debate.
- i In accordance with standing order 6(h) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to the clerk for an oral response.
- j A record of the open public session and public participation at a meeting shall be included in the minutes of that meeting.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.



- m The Openness of Local Bodies Regulation 2014 allows any person attending a public local government meeting to report proceedings by taking photographs, filming or audio-recording.
- n In accordance with standing order 6(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his/her absence be done by, to or before the Vice-Chairman (if any).
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- q Subject to standing order 6 (x) below, all decisions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- r Any Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his or her casting vote whether or not he or she gave an original vote.
- s Unless standing orders provide otherwise, voting on any issue shall be by a show of hands. At the request of a Councillor, the voting on any issue shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall record the names of councillors present and absent.
- u If prior to a meeting, a Councillor has submitted reasons for his/her absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- v The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

- w An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- x No business may take place at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3. The quorum for a Council meeting is at least six councillors.
- y If a meeting is or becomes inquorate no business shall take place and the meeting shall be adjourned. Any outstanding business of an adjourned meeting shall be considered at a following meeting.
- z Meetings shall not exceed a period of two and a half hours unless a vote is taken to suspend standing orders.

#### **8. Annual meeting of the Council**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such a day in May as the Council may direct.
- c The annual meeting will commence at 7pm unless another time is fixed.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Mayor and Deputy Mayor of the Council shall be the first business completed at the annual meeting of the Council.
- f The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his or her successor is elected at the next annual meeting of the Council.
- g The Deputy Mayor of the Council, if any, unless he/she resigns or becomes disqualified,

shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.

- h In an election year, if the current Mayor has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Mayor has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.
- j Following the election of the Mayor and Deputy Mayor at the annual meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of the terms of references for committees.
  - iv. Receipt of nominations to existing committees.
  - v. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them, and the appointment of the Chairs and Vice Chairs.
  - vi. Review and adoption of appropriate standing orders and financial regulations.
  - vii. Review of the Council's and/or employees' memberships of other bodies.
  - viii. Setting the dates, times and place of ordinary meetings of the full Council and standing committees for the year ahead.
  - ix. Considering any business set out in the notice convening the meeting.

## **9. Proper Officer**

- a The Council's Chief Officer and Clerk shall be the Proper Officer of the Council
- b The Council's Proper Officer shall do the following:

- i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting (excluding Sundays and public Bank Holidays). Email can be used if councillors have agreed.
  - ii. Give public notice of the time, date, venue and agenda at least 3 clear days (excluding Sundays and public Bank Holidays) before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - iii. Subject to standing orders 9(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 5 clear days (excluding, Sundays and public Bank Holidays) before the meeting confirming his withdrawal of it.
  - iv. Convene a meeting of full Council for the election of a new Mayor, occasioned by a casual vacancy in his or her office, in accordance with standing orders.
  - v. Make available for inspection the minutes of meetings.
  - vi. Receive and retain copies of byelaws made by other local authorities.
  - vii. Receive and retain declarations of acceptance of office from councillors.
  - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - ix. Keep proper records required before and after meetings;
  - x.  
process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also standing orders 19(a) and (b)*).
  - xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - xv. Record every planning application notified to the Council and the Council's
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response to the local planning authority.

- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **10. Motions requiring written notice**

- a In accordance with standing order 8(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 5 clear days (excluding, Sundays and public Bank Holidays) before the next meeting.
- b With the agreement of the mover, the Proper Officer may, before including a motion in the agenda received in accordance with standing order 9 (a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **11. Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-

committee or an employee.

- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds signed by two councillors and witnessed.
- xvii. To authorise the payment of monies.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of it may be made to such committee or sub-committee or employee, unless the Chairman decides it should be dealt with at the present meeting for reasons of urgency or expedience.

## **12. Rules of debate**

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
  - b Subject to standing orders 9(a) – (e) above, a motion shall not be considered unless it has been proposed and seconded.
  - c Subject to standing order 8(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
  - d A motion to amend an original or substantive motion shall not be considered unless proper
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notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
  - f Any amendment to a motion shall be either:
    - i. to leave out words;
    - ii. to add words;
    - iii. to leave out words and add other words.
  - g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
  - h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
  - i Subject to Standing Order 11(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
  - j Pursuant to standing order 11(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
  - k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
  - l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
  - m The mover of a motion or the mover of an amendment shall have a right of reply at the end of the debate and immediately before it is put to the vote, not exceeding 3 minutes.
  - n Where a series of amendments to an original motion are carried, the mover of the original
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motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- o Subject to standing orders 11(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
  
- p During the debate of 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 or she considers has been breached or specify the irregularity in the meeting he or she is concerned by.
  
- q A point of order shall be decided by the Chairman and his/her decision shall be final.
  
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
  
- s Subject to standing order 11(o) above, when a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
  
- t In respect of standing order 11(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his or her right of reply and shall put the motion to the vote after that right has been



exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

**13. Code of conduct**

- a All councillors shall observe the Code of Conduct adopted by the Council.
  
  - b 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.
  
  - c 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.
  
  - d 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.
  
  - e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.
  
  - f Dispensation request shall confirm:
    - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
    - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
    - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
    - iv. an explanation as to why the dispensation is sought.
  
  - g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered
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[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] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

- h A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
  - ii. granting the dispensation is in the interests of persons living in the council's area or
  - iii. it is otherwise appropriate to grant a dispensation.

#### **14. Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days notice of the question (excluding Sundays and public Bank Holidays) has been given to the Proper Officer. The Chairman has the discretion to allow urgent questions provided the request has been received by 5.30pm on the day of the meeting.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions. No decisions can be taken on an item not included on the agenda.

#### **15. Minutes**

- a No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 10 (a)(iv) above.
- b Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c If the Chairman of the meeting does not consider the minutes to be an accurate record of

the meeting to which they relate, he or she shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chairman 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 majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."

**16. Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 15(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put and without discussion.
- c If a resolution made in accordance with standing order 15(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he or she may adjourn the meeting.

**17. Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice or which bears the names of at least six councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 16 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

**18. Voting on appointments and co-option**

- a The appointment of the Mayor and Deputy Mayor will be by a secret ballot. At least 7 clear days (excluding Sundays and public Bank Holidays) before the annual meeting or meeting where such appointments are made, councillors wishing to stand for one of the positions must complete and sign a nomination form which also must be signed by their
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proposer and seconder and submitted to the Proper Officer. A councillor cannot elect the stand for both positions. In the event that 2 or more people wish to stand for a position, a postal ballot will be held. Ballot papers will be issued at least 5 clear days before the meeting and must be received by the Proper Officer no later than 14.00 hours on the day of the meeting. Where more than 2 persons wish to stand for a position to be filled by the Council, councillors will be asked indicate their preferred order of candidates and if none of those persons receive an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and their votes transferred to the remaining candidates as indicated through the preference system. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Mayor's casting vote. Other appointments at the annual meeting will be by a show of hands.

- b When a new councillor(s) is to be co-opted, an application form will be used and if possible the process will involve an opportunity for councillors to have an informal discussion with applicants.

In the event that more councillors wish to be co-opted than there are vacancies, councillors will be asked to indicate their preferred candidates in a secret ballot. Councillors will have a number of votes equal to the number of vacancies on the council.

After the first round of voting, the leading candidates are identified, equal in number to the number of vacancies. Where the leading candidates can be identified, and they have a majority of the votes, the leading candidates are duly co-opted.

Where the leading candidates cannot be identified due to a tie, or the leading candidates do not each have an absolute majority of votes in their favour, the person having the least number of votes shall be eliminated. Where there is a tie between two or more candidates for the lowest number of votes, the candidates with the lowest number of votes will draw lots to select which one will be eliminated, unless they have no votes, in which case all of the candidates with no votes shall be eliminated. Councillors will again be asked to indicate their preferred candidates. Again, councillors will have a number of votes equal to the number of vacancies on the council.

This process is repeated until either the number of candidates equals the number of vacancies, or the leading candidates can be identified and each have a majority of votes, whichever happens first.

In the event that after the elimination of all other candidates there is a tie for the leading candidates to be co-opted, any tie must be settled by the mayor's casting vote.

**19. Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

**20. Execution and sealing of legal deeds**

*See also standing order 8 (a)(xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless it has been authorised by a resolution.
- b In accordance with a resolution made under standing order 19(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

**21. Extraordinary meetings**

- a The Mayor may convene an extraordinary meeting of the Council at any time.
  - b If the Mayor does not or refuses to call an extraordinary meeting of the Council within 7 days (excluding Sundays and public Bank Holidays) of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
  - c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
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- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 14 days (excluding Sundays and public Bank Holidays) of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 councillors.

## **22. Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **23. Precepts**

- a The Council shall approve estimates for the coming financial year at its meeting before the end of January and fix the precept to be levied.
- b Each committee shall agree a budget recommended (capital and revenue including the use of reserves) for the coming financial year no later than December.

## **24. Canvassing of councillors**

- a When vacancies are to be filled by co-option, canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

- b This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

**25. Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

**26. Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

**27. Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 26 above may be removed from a committee or a sub-committee by a resolution of the Council.

**28. Power of well-being**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 27(a) above was made and expires on the day before the annual meeting of the

Council that takes place in a year of ordinary elections.

- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 27(b) above.

## **29. Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR the committee OR the sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 6(c) above.
- b The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- c Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with the responsibility for them.
- d Only persons with line management responsibilities shall have access to employee records referred to in standing orders 28, if so justified.

## **30. Requests for Information**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy for handling requests under the Freedom of Information Act 2000 and Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance and Policy Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 8(b)(x) above.



**31. Liaison with Unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the local councillors of Northumberland County Council.

**32. Financial matters**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 31(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £30,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £30,000 shall be procured on the basis of a formal tender as summarised in standing order 31(c) below.
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

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- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

### 33. Code of conduct and dispensations

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
  - b. Unless (s)he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw<sup>9</sup> from a meeting when it is considering a matter in which (s)he has a disclosable pecuniary interest. (S)he may return to the meeting after it has considered the matter in which (s)he had the interest.
  - c. Unless (s)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 (s)he has another interest if so required by the council's code of conduct. (S)he may return to the meeting after it has considered the matter in which (s)he had the interest.
  - d. 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.
  - e. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
  - f. A dispensation request shall confirm:
    - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
    - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
    - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
    - iv. an explanation as to why the dispensation is sought.
  - g. Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
  - h. A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
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- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the council's area or
- iii. it is otherwise appropriate to grant a dispensation

**34. Code of conduct complaints**

- a. Upon notification by the County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper officer shall, subject to Standing Order 11 above, report this to the council.
- b. Where the notification in standing order 14(a) above relates to a complaint made by the Proper officer, the Proper officer shall notify the Mayor of this fact, and they shall nominate another staff member to assume the duties of the Proper officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
- c. The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. Upon notification by the County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him or her. Such action excludes disqualification or suspension from office.

**35. Variation, revocation and suspension of standing orders**

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

**36. Urgency**

- a The proper officer has delegated authority to take any actions that he/she considers necessary in the interests of the Council in cases of urgency. He/she must only act after consultation with the Mayor and the Chairman of the appropriate committee (or in their absence their deputies or another committee chairman) and available ward members. Any urgency decisions taken, should be reported to the next Council meeting.

**37. Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

**38. Chairman's decision on Standing Orders final**

- a The Chairman's decision as to the application of standing orders at meetings shall be final.

**Financial Regulations****Responsible Financial Officer**

- a The Responsible Finance Officer is a statutory office and appointed by the Council. Normally the Clerk of the Council takes on this role of managing the Council's financial affairs in accordance with proper practices.
- b The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of December in preparation for the precept being submitted in January. During the year the budget will be reviewed against actual expenditure and income. Amendments to the budget will be discussed in Council and changes minuted.
- c The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Underspent revenue will be identified and earmarked to reserves by a Council resolution.

- d The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.
- e The RFO will complete the annual financial statements of the Council including the annual return as soon as practicable after the end of the financial year and will submit and report on them to the Council.
- f The RFO will ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other practices in line with proper practice. A review of the effectiveness of the systems of internal control shall be carried out at least once per year.
- g An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Annual Audit requirements. The person appointed will be competent and independent of the operation of the Council.
- h The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.

### **Banking Arrangements and Cheques**

- i The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.
- j A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques plus the Proper Officer.
- k The RFO will examine invoices and verify and certify the expenditure. Payments will require the signature of two Councillors. In the event that a councillor is not available to sign, then the proper officer is authorized to do so. Wages payments from the Council's wages account will require one authorised signatory, this could be the Proper Officer, but the Proper Officer should not sign his own payment. Payments will be submitted for approval to council meetings. In cases of urgency and in particular to avoid additional charges, the RFO has delegated authority to arrange payment in advance of a meeting. Any such payments should be reported to the next available meeting.

- l Any utility bill may be authorised by Direct Debit provided that the instructions are signed by two authorised Councillors.
- m The council will maintain a petty cash float of £50 for the purpose of paying for minor operational costs and expenses. Receipts must be kept to substantiate payment.

**Income**

- n The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- o The Council will review all fees and charges annually.
- p Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- q All sums received by the Council shall be banked intact and with such frequency as the RFO considers necessary. The origin of each receipt shall be entered on the paying-in slip.
- r Where any significant sums of cash are collected, 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 and appropriate care is taken in the security and safety of individuals banking such cash.

**Loans and Investments**

- s All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
  - t All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These terms must be reviewed annually.
  - u All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO.
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**Contracts and Purchase Orders**

- v An official order or letter will be issued for all work or service paid for by the Council, unless this would be inappropriate. All councillors and officers are responsible for obtaining best value for money at all times. An officer placing an order on behalf of the Council will ensure that the best value and terms are obtained for the transaction.
- w For purchases or contracts for up to £1,000 one quotation should be obtained and can be proceeded providing it is considered good value for money. Between £1,000 and £5,000 officers should strive to obtain a minimum of two quotations and three quotes for works over £5,000. For items over £1,000 where only a single quotation is received, this should be discussed with the relevant Committee Chair and approval obtained, before proceeding. Contracts exceeding £30,000 require additional safeguards and will follow NALC recommended procedures.
- x All estimates of more than £5,000 will need to be approved by the Council or Committee; while they are not obliged to accept the lowest quotation the reasons for accepting the quotation will be recorded.
- y Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage and telephone services;
  - (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 and RFO shall act after consultation with the Chairman and Vice Chairman of Council);

- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

**Budgetary Control**

- z No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of the council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- aa 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 extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The Clerk shall report the action to the Council as soon as practicable thereafter.
- ab Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- ac 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.
- ad All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

**Assets**

- ae The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets if appropriate.
  - af The Clerk shall make appropriate arrangements for the custody of all title deeds of properties and land owned by the Council.
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**Risk Management**

- ag The Council is responsible for putting in place arrangements for management of risk. The Clerk will prepare a Risk Management Statement in respect of all activities of the Council for approval by the Council. This will be reviewed annually.

**Insurance**

- ah Following the annual risk assessment the Council will review the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.

**VAT**

- ai The RFO will promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1994 section 33 will be made at least annually coinciding with the financial year.

**Payment of salaries**

- aj 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 the Council.

**Members' expenses**

- ak Travel expenses will be paid to any councillor who performs an approved duty. Travel expenses could be bus fares, rail fares (second class) or car mileage allowance. If car mileage allowance is paid it will be paid at Inland Revenue rates.
- al Approved duties relate to meetings and events outside the parish which are:
- Meetings of outside bodies to which the councillor is appointed or is the official substitute
  - Meetings or events to which the councillor is invited or asked to attend to represent the council.
  - Any other meetings or events agreed by the council

- am Claims should be made to the Proper Officer within 28 days of attending the event.
  
- an In the event that a councillor is away for more than 4 hours, subsistence allowances will be paid. The proper officer will hold a schedule of rates of subsistence and receipts must be submitted with the claim.
  
- ao The entitlement to the expenses paid by Alnwick Town Council will only arise where the Councillor is not entitled to claim expenses for the item through their contract of employment or employment terms and conditions for another organisation, if such other entitlement exists this must be utilised by the Councillor in the first instance, the intention of this clause is to prevent the use of public funds for reimbursement of expenses in situations where a Councillor may incur expenses in the course of their employment at the same time as fulfilling Council duties.

#### **Review of Financial Regulations**

- ap These financial regulations shall be reviewed by the Council at least annually