CANVEY ISLAND TOWN COUNCIL

Standing Orders

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1. Rules of Debate at Meetings

a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.

h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.

j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.

k One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m The mover of an amendment has no right of reply at the end of debate on it.

n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:

i. to speak on an amendment moved by another councillor;
ii. to move or speak on another amendment if the motion has been amended since they last spoke;
iii. to make a point of order;
iv. to give a personal explanation; or
v. to exercise of a right of reply.

p 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.

q A point of order shall be decided by the chair of the meeting and their decision shall be final.

r When a motion is under debate, no other motion shall be moved except:

i. to amend the motion;
ii. to proceed to the next business;
iii. to adjourn the debate;
iv. to put the motion to a vote;
v. to ask a person to be no longer heard or to leave the meeting;
vi. to refer a motion to a committee or sub-committee for consideration;
vii. to exclude the public and press;
viii. to adjourn the meeting; or
ix. to suspend particular standing order(s) except those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

t Excluding motions moved understanding order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed two minutes without the consent of the chair of the meeting.

2. Disorderly Conduct at Meetings

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregards the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 2(b) above is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings Generally

- Full Council meetings
- Committee meetings
- Sub-committee 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.**

b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

c **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.

d **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.**

e Members of the public may ask questions relating to items on an agenda only. A question shall not require a response at the meeting nor start a debate on the question but may be discussed as part of the agenda item. The member of public is not permitted to speak during the agenda item discussion unless directed by the Town Mayor.

f Members of the public may make representations if invited to do so, answer questions and give evidence at a meeting in respect of the business on the agenda.

g Members of the public may ask questions of the Leader of the Council, the Town Mayor, or Chair of a Committee subject to notice being given:

- Questions will be asked in the order that notice of them was received.

- A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk not later than seven clear working days before the day of the meeting. (Example, any notice must be received by the Town Clerk by 5.00p.m. on the Wednesday of the week two weeks before the week of the meeting). Each questioner must give the name and address of the questioner.

- No person may submit more than one question.

- The Town Clerk, in consultation with the Town Mayor, may reject a question if it:-
  a) is not about a matter for which the Council has a responsibility, or which directly affects Canvey Island.
  b) is defamatory, frivolous or offensive.
  c) is substantially the same as a question which has been put at a meeting of the Council in the past two years; or
  d) requires the disclosure of confidential or exempt information.
  e) is subject to separate mediation or dispute resolution.

- The Town Clerk will include the question as part of the minutes of the meeting for public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

- Copies of all questions accepted will be circulated to all Members and will be made available to the public attending the meeting.

- The person asking the question must be present at the meeting. The Town Mayor may invite the questioner to read the question, however, may exercise their discretion to allow a question to be read out by an officer in the absence of the person making it.

- An answer may be:-
  a) oral;
  b) written and circulated at the meeting;

c) written and sent to the member of the public within seven working days of the meeting;

- No secondary or supplementary question will be permitted.
- No other Councillor shall be permitted to speak.

h The period of time designated for public participation at a meeting in accordance with standing order 3 (e, f & g) above shall not exceed ten minutes unless directed by the chair of the meeting.

i The chair may limit or disallow any address which is felt to be inappropriate, abusive, frivolous, irrelevant or otherwise unacceptable.

j No item will be deferred owing to the absence of someone who had indicated an intention to address the meeting.

k A councillor shall raise their hand when requesting to speak and remain seated when speaking. A member of the public shall raise their hand or will be called upon by the chair to speak and will be asked to stand whilst speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.

l A person who speaks at a meeting shall direct their comments to the chair of the meeting.

m Only 1 person is permitted to speak at a time. If more than 1 person wants to speak, the chair of the meeting shall direct the order of speaking.

n **Subject to standing order 3(o), 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.**

o **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

p **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**.

q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor of the Council may in their absence be done by, to or before the Deputy Town Mayor of the Council.**

r **The Town Mayor of the Council, if present, shall preside at a meeting. If the Town Mayor is absent and the Deputy Town Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

s **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or non-councillors with voting**

rights present and voting.

t **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
See standing orders 5(h) and (i) for the different rules that apply in the election of the Town Mayor of the Council at the annual meeting of the council.

u **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

v The minutes of a meeting shall include an accurate record of the following:

i. the time and place of the meeting;
ii. the names of councillors present and absent;
iii. interests that have been declared by councillors and non-councillors with voting rights;
iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
vi. if there was a public participation session; and
vii. officers report of decisions made under delegated powers
viii. resolutions made.

w **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 their right to participate and vote on that matter** and must leave the room**.**

x **No business may be transacted 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 three.** *See standing order 4d (v) below for the quorum of a committee meeting.*

y **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

z A meeting shall not exceed a period of 1 and a half hours and shall finish no later than 8.30 pm. Should an item of business still require a decision the chair can extend the meeting at their discretion but no later than 9.00 pm.

4. Committees 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.

d The council may appoint standing committees or other committees as may be necessary, and:

i. shall determine their terms of reference;
ii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
iv. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
v. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
vi. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
vii. Shall appoint a vice chair;
viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
ix. shall determine if the public may participate at a meeting of a committee;
x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
xii. may dissolve a committee or a sub-committee.
xiii. The Town Mayor and Deputy Town Mayor of the council (ex officio) shall be voting members of every committee but will not sit as a chair on any committee or sub-committee.

5. Ordinary Council Meetings

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 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 day in May as the council decides.

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

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 decides.**

e The first business conducted at the annual meeting of the council shall be the election of the Town Mayor and Deputy Town Mayor of the Council.

f The Town Mayor of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.

g The Deputy Town Mayor of the Council, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Town Mayor of the Council at the next annual meeting of the council.

h In an election year, if the current Town Mayor of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Town Mayor of the Council has been elected. The current Town Mayor of the Council shall not have an original vote in respect of the election of the new Town Mayor of the Council but must give a casting vote in the case of an equality of votes.

i In an election year, if the current Town Mayor of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Town Mayor of the Council has been elected. They may exercise an original vote in respect of the election of the new Town Mayor of the Council and must give a casting vote in the case of an equality of votes.

j Following the election of the Town Mayor and Deputy Town Mayor of the Council at the annual meeting of the council, the business of the annual meeting shall include:

i. **In an election year, delivery by the Town Mayor of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date**. **In a year which is not an election year, delivery by the Town Mayor of the Council of their acceptance of office form unless the council resolves for this to be done at a later date;**
ii. Revision of councillors registers of interest forms;
iii. Confirmation of the accuracy of the minutes of the last meeting of the council;
iv. Receipt of the minutes of the last meeting of a committee;
v. Consideration of the recommendations made by a committee;
vi. Review of the terms of reference for committees;
vii. Appoint a Leader of the Council;
viii. Appoint a chair to each committee;
ix. Appointment of members to existing committees;
x. Appointment of any new committees in accordance with standing order 4;
xi. Review of the appropriate standing orders and financial regulations, inclusive of delegation arrangements to committees, sub-committees, staff and other authorities;
xii. Review of arrangements (including legal agreements) with other local authorities, not for profit bodies and businesses;
xiii. To appoint representatives to outside bodies and review arrangements for reporting back on activities of outside bodies;
xiv. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
xv. Review of the council's and staff subscriptions to other bodies;
xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
xvii. Review of the Councils Asset Register;
xviii. Review the arrangements for insurance cover in respect of all insurable risks;
xix. Sign the councils Health & Safety policy; and
xx. Determining the time and place of ordinary meetings of the full council and its committees up to and including the next annual meeting of full council.

6. Extraordinary Meetings of the Council and Committees and Sub-Committees

a The Town Mayor of the Council may convene an extraordinary meeting of the council at any time.

b **If the Town Mayor of the Council does not call an extraordinary meeting of the council within 7 days of having been requested in writing to do so by 2 councillors, any 2 councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two**

councillors.

c The chair of a committee may convene an extraordinary meeting of the committee at any time.

d If the chair of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by those councillors and specify the business to be transacted.

7. Previous Resolutions

a A resolution shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 7 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved within a further 6 months.

8. Voting on Appointments

a Where more than 2 persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of 1 person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

9. Motions for a meeting that require written notice to be given to the Proper Officer

a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.

b 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 on or before the 5th clear day of the next meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 working days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g Motions received shall be recorded and numbered in the order that they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer for their rejection.

i Every motion and resolution shall relate to the council's statutory functions, powers and lawful obligations and shall relate to an issue which specifically affects the council's area or its residents.

10. Motions at a meeting that do not require written notice

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

11. Management of Information

See also standing order 20.

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.

12. Draft Minutes

a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of Conduct and Dispensations

See also standing order 3(v).

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office or of the adoption of a new code.

c Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

d Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.

e **Dispensation requests shall be in writing and submitted to the** Monitoring Officer as soon as possible before the meeting.

f A decision as to whether to grant a dispensation shall be made by the Monitoring Officer and that decision is final.

g 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.

h Subject to standing orders 13(e) and (g) above, dispensations requests shall be considered by the Monitoring Officer before the meeting.

i A dispensation may be granted in accordance with standing order 13(f) 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. Code of Conduct Complaints

a The Monitoring Officer has delegated powers to resolve all complaints that a councillor or non-councillor with voting rights has breached the council's code of conduct.

b Upon receipt of a notification that there has been an alleged breach of the code of conduct, the Proper Officer shall refer the complaint to the Monitoring Officer.

c Upon notification by the Monitoring Officer 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 them following the recommendations by the Monitoring Officer**. Such action excludes disqualification or suspension from office.**

15. Proper Officer

a The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:
i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email),** (all committee members will receive a copy of the summons by post only) **and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming their withdrawal of it;
iii. convene a meeting of full council for the election of a new Town Mayor of the Council, occasioned by a casual vacancy in their office;

iv. **facilitate inspection of the minute book by local government electors**;
v. **receive and retain copies of byelaws made by other local authorities;**
vi. retain acceptance of office forms from councillors;
vii. retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection, ensuring these are also available on the Council's website;
viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
ix. may liaise, as appropriate, with the Council's Data Protection Officer;
x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
xi. assist in the organisation, storage of, access to and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
xii. arrange for legal deeds to be executed;
See also standing order 23 below.
xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
xiv. record every planning application notified to the council and the council's response to the local planning authority in a way approved by the council;
xv. refer a planning application received by the council to the Chair or in their absence Vice-Chair of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
xvi. manage access to information about the council via the publication scheme; and
xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 23 below.

16. Responsible Financial Officer

a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and Accounting Statements

a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

c The Responsible Financial Officer shall supply the Policy & Finance Committee at each meeting a summary of the accounts which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide to the full council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

e The yearend accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial Controls and Procurement

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 keeping of accounting records and systems of internal controls;

   ii. the assessment and management of financial risks faced by the Council;

   iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

   iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

   v. whether contracts with an estimated value below **£30,000** due to special circumstances are exempt from a tendering process or procurement exercise.

b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
   i. a specification for the goods, materials, services or the execution of works shall be drawn up;
   ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
   iii. the invitation to tender shall be advertised on the Councils website and in any other manner that is appropriate;
   iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer or via electronic submission;
   v. tenders shall be opened by the Proper Officer after the deadline for submission of tenders has passed and will be sent to the tender evaluation panel;
   vi. recommendations from the tender evaluation panel will be reported to and considered by the appropriate meeting of the council or a committee with delegated responsibility.

d. Neither the council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender. The council's decision is final and no correspondence will be entered into on the reasons which a tender has been rejected.

e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. Handling Staff Matters

a A matter personal to a member of staff that is being considered by a meeting of the Personnel committee is subject to standing order 11.

b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chair of the Personnel committee or, if they are not available, the vice-chair of absence occasioned by illness or other reason and that person shall report such

absence to the Personnel committee at its next meeting.

c The chair of the Personnel Committee or in their absence, the vice-chair shall conduct a review of the performance and annual appraisal of the work of the Town Clerk. A Summary of the reviews and appraisal of all staff shall be reported in writing to the Personnel committee.

d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the chair of the Personnel committee or in their absence, the vice-chair in respect of an informal or formal grievance matter. The grievance panel shall review the matter and make recommendations to be progressed by resolution of the Personnel committee. Any matters referred to the disciplinary or appeals panel shall be progressed by resolution of the Personnel committee following recommendations.

e Should an informal or formal grievance matter raised by an employee relate to the chair or vice-chair of the Personnel committee, this shall be communicated to another member of the Personnel committee, and this matter shall be progressed as per 19 (c) excluding the chair or vice chair from the proceedings.

f 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 and attend mandatory training on GDPR, Data Protection and Staffing Matters.

g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. Responsilbilites to Provide Information

See also standing order 21.

a 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.

b **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015**.

21. Responsibilities under Data Protection Legislation

See also standing order 11.

a The Council may appoint a Data Protection Officer (under section 7 of the DPA 2018, Parish Councils are exempt from this requirement)
b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.
c The Council shall have a written policy in place for responding to and managing a personal data breach.
d 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.
e 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.
f The Council shall maintain a written record of its processing activities.

22. Relations with the Press/Media

a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. Execution and Sealing of Legal Deeds

See also standing orders 15(b)(xii) and (xviii).

a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

b Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

24. Delegation of Urgent Matters

There shall be delegated to the Town Clerk the authority to act in respect of any function of the Council which, in their opinion, does not admit of delay. Such authority shall only be exercised after consultation with the Town Mayor, Deputy Town Mayor, or the Chair of Policy & Finance, unless they cannot be contacted, and the urgency is such that action is paramount.

25. Official Communications

a All official communications made whether made on behalf of the council or of committee shall be issued by the Town Clerk.

b No member of the council shall communicate with nor issue orders, instructions or directions in the name of the council to any outside person or authority upon the business of the Council except through the Town Clerk, unless such communication shall be in pursuance of express authority given by the council or a committee to a named individual in respect of a matter specified in the resolution of the authority.

c No member of the council shall issue orders, instructions or directions to any member of the council's staff except through the Town Clerk, unless such communication shall be in pursuance of express authority given by the council or a committee to a named individual in respect of a matter specified in the resolution of the authority.

26. Communicating with Borough and County councillors

a. An electronic notification of each meeting of the council shall be sent to the ward councillors of the Borough and County Council representing the area of the council.

27. Restrictions on Councillor Activities

a. Unless authorised by a resolution, no councillor shall:
   i. hold a position on the council without having completed mandatory training or the relevant associated training course;
   ii. attend at the council offices for purposes other than to attend at a meeting or following prior notice.
   iii. inspect any land and/or premises which the council has a right or duty to inspect;
   iv. issue orders, instructions or directions;

28. Standing Orders Generally

a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9.

c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.

d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

29. Terms of Reference of Committee's

All committees have delegated power to act on behalf of the council within their terms of reference with the exception of the Policy & Finance committee.

Each committee must at all times consider its duty to Best Value, Equal Opportunities (race, religion, gender, sexual orientation, marital status and any disability), Crime and Disorder, Health and Safety and Human Rights

Responsibilities common to all committees:

1. To be responsible for compiling its annual budget.

2. To be responsible for compiling its four year plan as part of the annual budget. No additions will be made once approved by Full Council and new projects will be considered in the next budget year.

3. To present and obtain approval for its annual budget from the Full Council.

4. Membership of the Committee shall only consist of a chair, vice chair and 4 other councillors unless stated otherwise.

5. Members shall not be on more than 3 committees with the exception of Policy & Finance which should hold each committee chair.

Planning Committee

The overall purpose of the committee, within council policies and approved budgets is:

1. To consider matters relating to planning applications, development control or planning policy in the parish of Canvey Island and to respond on behalf of the Council (via the Council Office).

2. The Chair and Vice Chair of the Committee, as representatives on Castle Point Borough Council's Development Control Committee, are invited to be present and may also attend any other training events organised by Castle Point Borough Council.

3. To reserve the right to consider any planning issue of significant local interest for:

    - Major Change of use (if considered to affect residential housing or quality of life)
    - Large scale new developments
    - New properties/structures or controversial builds (to be reviewed by chair/vice chair to make a decision whether a meeting is required)
    - New development on green open spaces

4. Not considering applications for:

    a. Alterations to or extensions of any existing residential dwelling;
    b. Advertising/signage;
    c. Conservatories;
    d. Replacement homes
    e. Crossover
    f. building or street naming

Policy and Finance Committee

The overall purpose of the committee, within council policies and approved budgets is:

1. In conjunction with the Clerk/RFO to monitor its functions and expenditure.

2. Membership must consist of all committee chair.

3. To assess and budget for future maintenance, replacement or upgrading of items for which it is responsible.

4. To review and update the Council's Financial Regulations and Standing Orders at least once every 4 years and to ensure the Regulations are observed by the Council.

5. To oversee the financial administration of the Council.

6. To monitor the Council's income and expenditure against budgets and make recommendations for action to the Council.

7. To monitor purchasing decisions to ensure a value for money approach to all aspects of Council activity.

8. To receive and review Audit reports and make recommendations to the Council in respect of Auditor's observations.

9. To recommend the appointment of the internal auditor and to approve the internal audit plan.

10. To develop, maintain and monitor the effectiveness of the Council's policies.

11. To monitor the Council's banking arrangements and investments.

12. To make recommendations to the Council in respect of the Council's insurance obligations.

13. To consider the draft annual budget and make a recommendation for the forthcoming year's precept.

14. To monitor and review processes for risk assessment.

15. To consider subscriptions, grants and donations.

16. To consider any other matters deemed relevant to the Committee.

Personnel Committee

The overall purpose of the committee, within council policies and approved budgets is:

1. To act in all matters relating to the personnel interests of the Council.

2. To discharge the functions of the Council relating to Personnel.

3. To discharge the functions of the day-to-day management of staff to the Clerk to the Council including all appraisals which are reviewed in line with the Councils overall objectives.

4. To, if required spend council funds in relation to this.

5. To report the decisions of the Personnel committee to full council where appropriate to do so unless the decisions made are with reference to legal proceedings or are strictly private and confidential/personal to staff members.

6. Membership of the Committee shall not exceed 6 councillors.

7. To meet on an ad-hoc basis as required with no less than 1 meeting per year.

8. To determine the pay, conditions, and job descriptions of staff and to review and update these as necessary to comply with the law and good practice.

9. To determine staffing levels necessary to efficiently discharge the Council's functions and duties and to review workloads periodically. To inform the Council of outcomes and recommendations.

10. To undertake the process of staff recruitment, to form an Appointments Panel with the power to advertise, shortlist, interview and appoint staff in line with Council's policies and decisions.

11. To ensure the health and safety and well-being of staff by providing appropriate workspace, tools and equipment and through training staff to safeguard their health and safety at work.

12. To determine all matters in relation to disciplinary action and grievance matters.

13. Any member who is deemed to have a friendship, personal relationship or current/previous grievance with a member of staff will not be permitted to be a member of the Personnel Committee. Any concerns should be raised with the Town Clerk prior to the Annual Council Meeting in May where the committee membership is agreed. Any concerns about inappropriate action of a member of the Personnel Committee during the year's term should be reported to the Town Clerk or Personnel Chair/Vice Chair for investigation and any committee member that is part of a grievance investigation should stand down until the grievance is resolved.

14. All committee members must complete mandatory training on GDPR, Data Protection and Staffing Matters to be permitted to remain as a member of the Personnel Committee.

15. To appoint a grievance and disciplinary panel from the membership of the Committee to consider issues relating to complaints or grievance. (If the issue progresses to an appeal, an Appeals Panel would be formed by the Council and would consist of 3 Council members who were are members of the Personnel Committee).

16. The chair of the committee to undertake an annual appraisal of the Clerk to the Council which will be reviewed in line with the Councils overall objectives.

17. To consider any other matters deemed relevant to the Committee.

Leader to the Council

- The Leader will have no civic ceremonial responsibilities.
- Town Council meetings will be chaired by the Town Mayor.
- The Leader (and all Councillors) should channel significant requests for information, advice, and other support via the Town Clerk.
- Employment policies have been set by the Council and are implemented by the Town Clerk. All responsibilities of the Personnel Committee will remain unchanged.
- The Town Mayor will act as the channel for a complaint by the Town Clerk about the Leader.
- The Town Clerk and other officers exercise statutory functions and have individual responsibilities. The Leader should not interfere with these responsibilities.

Leader and Town Clerk

- The Leader will work closely with the Town Clerk on issues which are considered priorities of the Council.
- Where a decision is required following discussion between the Leader and the Town Clerk, the matter will be submitted to the Council or a committee for consideration, unless the matter is already delegated to the Town Clerk, or in consultation with the Leader.
- Matters wholly delegated to the Town Clerk will not require consultation with the Leader.
- The Leader should be properly briefed on all significant aspects of the work of the Council. The Town Clerk and Leader must agree an appropriate information flow to ensure that the Leader can lead effectively.
- Planned and programmed meetings should be held with the Leader and the Town Clerk. The Leader must avoid making requests for unanticipated briefings.
- The Leader should not approach other staff directly with requests for information or seek to commission work from individual staff. All office protocol and the Town Clerks management responsibilities should not be impeded.
- The Leader will liaise with the Town Clerk on forward plans and matters of policy or strategic direction.
- When the Leader wishes to put forward proposals of their own, it is their responsibility via the Town Clerk to produce a report to the relevant committee for consideration. The Town Clerk may wish and has a right to add comments to such reports.

Leader and Councillors

- The Leader is the most senior Councillor politically. They lead the decision making process at Councillor Level.
- The Leader should ensure that they consult with colleagues in the early stages of formulating proposals. Committee Chair, in particular must be consulted on issues relevant to their committee's and the Town Mayor should be involved in any civic related matters or issues which may affect the conduct of Council meetings.
- The Leader will be the first line of control of any member who be behaving inappropriately towards colleagues or staff.
- The Leader does not have to chair a committee nor are they barred from doing so.
- The Leader will not be an ex-officio voting member of any committee or sub-committee unlike the Town Mayor and Deputy Town Mayor.