

# **STANDING ORDERS (2022)**

## **PREFACE**

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in bold type. These Standing Orders cannot be altered.

## **DEFINITIONS**

If the words “Local Councils” are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is, of course, recognized that local Councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the female gender, where appropriate.

Any reference to “Council” or “the Council” means Malmesbury Town Council. Any reference to Clerk or RFO means the Town Clerk.

The Chairman of a Town Council is entitled to use the title “Town Mayor”. The title confers no additional powers on the Chairman and, in particular, has no implications for his conduct in meetings.

In the following pages the word “Chairman” includes “Town Mayor” and the word “Vice Chairman” includes “Deputy Town Mayor”. In addition, where appropriate use of the word “he” is to include the meaning “she”.

The Mayor can attend any Committee meeting as Ex Officio with full voting rights.

## **MEETINGS GENERALLY**

- 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.**

## **MEETINGS**

- 1. (a) Meetings of the Council shall be held in each year on such dates and times and at such places as the Council may direct. (b) Smoking is not permitted at any meeting of the Council.**

## **THE STATUTORY ANNUAL MEETING**

- 2. (a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected to take office; and  
  
(b) in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
- 3. (England only) In addition to the statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.**
- 4. An extraordinary meeting of the Council may be called at any time by the Chairman of the Council. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- 5. Three clear days' notice at least must be given before a meeting of the Council.**

## **CHAIRMAN OF THE MEETING**

- 6. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

## **PROPER OFFICER**

- 7. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Town Clerk or nominated officer:**

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents. To sign notices or other documents on behalf of the Council.

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

To sign and issue summons to attend meetings of the Council.

To keep proper records for all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Town Clerk.

(a) Executive powers are delegated to the Clerk to the Council following consultation with the Chairman or Vice Chairman of the Council or committee as appropriate, for matters which require a decision before the next ordinary meeting. Action taken under this power should be reported at the next meeting of the Council.

### **QUORUM OF THE COUNCIL**

**8. Three Members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

**9.** If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such day as the Chairman may fix.

**10.** For a quorum relating to a committee or sub-committee, please refer to Standing Order No. 51.

### **VOTING**

**11.** Members shall vote by show of hands or, if at least two Members so request, by signed ballot.

**12.** If a Member so requires, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

**13. (a)** Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

**(b)** If the person presiding at the Annual Meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office, he may not give an original vote in an election for Chairman.

**(c)** The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

### **ORDER OF BUSINESS**

**14.** In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously

authorised by the Council to take such a declaration, before the Annual Meeting commences.

**At each Annual Parish Council Meeting the first business shall be:**

- (a) To elect a Chairman of the Council**
- (b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reasons of insufficient nominations.**
- (d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- (e) To elect a Vice-Chairman of the Council.**
- (f) To appoint representatives to outside bodies.**
- (g) To appoint committees, sub-committees and working groups. and shall thereafter follow the order set out in the Standing Order No. 17.**

**15. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

**16.** After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows.

- (a) To read and consider the minutes: provided that a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.**
- (b) After consideration to approve the signature of the minutes by the person presiding as a correct record.**
- (c) To deal with business expressly required by statute to be done.**
- (d) To dispose of business, if any, remaining from the last meeting**
- (e) To receive such communications as the person presiding may wish to lay before the Council.**
- (f) To answer questions from Councillors, allowing a maximum time of ten minutes with a maximum time per speaker of two minutes.**
- (g) To receive and consider reports and minutes of committees.**
- (h) To receive and consider resolutions or recommendations in the order in which they have been notified.**

- (i) To authorise the sealing of documents.
- (j) If necessary, to authorise the signing of orders for payment.
- (k) To consider resolutions or recommendations in the order of which they have been notified.
- (l) Any other business specified in the summons.
- (m) To receive any petitions and depositions submitted to the Council and to allow a petitioner the right to address the Council for a time not exceeding three minutes.
- (n) *To allow members of the public to address the Council on a matter in the agenda for a time not exceeding three minutes. There is to be no discussion on issues raised.*

### **URGENT BUSINESS**

17. A motion to vary the order of business on the grounds of urgency:

- (a) may be proposed by the Chairman or by any Member and, if proposed by the Chairman, may be put to the vote without being seconded; and (b) shall be put to the vote without discussion.

### **RESOLUTIONS MOVED ON NOTICE**

- 18. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
- 19. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received.
- 20. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 21. If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 22. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report, provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

23. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

### **RESOLUTIONS MOVED WITHOUT NOTICE**

24. Resolutions dealing with the following matters may be moved without notice.

- (a) To appoint a Chairman of the meeting.
- (b) To correct the minutes.
- (c) To approve the minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate
- (g) To refer a matter to a committee.
- (h) To appoint a committee or any Members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public and press (see Standing Order No. 70).
- (o) To silence or eject from the meeting a Member named for misconduct (see Standing Order No. 35).
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order (see Standing Order Nos 82, 83).
- (r) To adjourn the meeting.

### **QUESTIONS**

25. A Member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided one clear day's notice of the question has been given to the person to whom it is addressed.

26. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

27. Every question shall be put and answered without discussion.

28. A person to whom a question has been put may decline to answer.

## **RULES OF DEBATE**

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

30. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

(b) A Member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

(c) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

(d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.

(e) An amendment shall be either:

(i) to leave out words,

(ii) to leave out words and insert others, (iii) to insert or add words.

(f) An amendment shall not have the effect of negating the resolution before the Council.

(g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.

(k) A Member may rise to make a point of order or a personal explanation. A Member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

(l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

(m) When a resolution is under debate no other resolution shall be moved except the following:

- (i) to amend the resolution
- (ii) to proceed to the next business
- (iii) to adjourn the debate
- (iv) that the question be now put
- (v) that a Member named be not further heard
- (vi) that a Member named leave the meeting
- (vii) that the resolution be referred to a committee (viii) to exclude the public and press
- (ix) to adjourn the meeting.

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

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

(b) Members shall address the Chairman. If two or more Members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.

(c) Whenever the Chairman rises during a debate all other Members shall be seated and silent.

## **CLOSURE**

33. At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate be now adjourned”, or “that the Council do now adjourn”. If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question now be put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

## **DISORDERLY CONDUCT**

**34. (a) All Members must observe the Code of Conduct which was adopted by the Council on 10<sup>th</sup> July 2012, a copy of which is annexed to these Standing Orders.**



(b) No Member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**

(c) If, in the opinion of the Chairman, a Member has broken the provisions of paragraph (b) of this order, the Chairman shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

(d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

### **RIGHT OF REPLY**

35. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### **ALTERATION OF RESOLUTION**

36. A Member may, with the consent of his seconder, move amendments to his own resolution.

### **RESCISSION OF PREVIOUS RESOLUTION**

37. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

(b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of the Order has been disposed of, no similar resolution may be moved within a further six months.

### **VOTING ON APPOINTMENTS**

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

### **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

39. If at any meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the

Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded (see Standing Orders Nos 62, 63, 70).

## **RESOLUTIONS ON EXPENDITURE**

40. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Policy & Resources Committee or of another committee after recommendation by the Policy & Resources Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Policy & Resources Committee shall report on the financial aspect of the matters).

## **EXPENDITURE**

**41. Orders for the payment of money shall be authorised by resolution of the Council and signed by two Members.**

## **SEALING OF DOCUMENTS**

42. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

(b) Any two Members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

## **COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS**

43. The Council may at its Annual Meeting appoint standing committees and shall elect a Chairman and may elect a Vice-Chairman for such committees who shall hold office until the next Annual Meeting of the Council, and shall settle the programme of meetings for the committees for the year. The Council may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

(a) shall not appoint any Member of a committee so as to hold office later than the next Annual Meeting,

(b) may appoint persons other than Members of the Council to any committee, with the exception of the Policy & Resources Committee, and

(c) may, subject to the provisions of Standing Order No. 25, at any time dissolve or alter the membership of a committee.

44. All elected Members sitting on a committee shall be voting members.

45. Decisions made in respect of a non-financial nature may be actioned without the prior authority of either the parent committee or the full Town Council.

46. Every new committee that has been appointed after the Annual Meeting shall at its first meeting before proceeding to any other business elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

### **Special (Extraordinary) Meeting**

47. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of that committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### **Sub-Committees**

48. Every committee may appoint sub-committees for purposes to be specified by the committee.

49. The Chairman and Vice Chairman of the committee shall be Members of every sub-committee appointed by it unless they signify that they do not wish to serve.

50. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or a sub-committee shall be one half of its Members or a minimum of three elected Members.

51. The Standing Orders on rules of debate (except those parts relating to standing) and the Standing Orders on interests of Members in contracts and other matters shall apply to committee and sub-committee meetings.

### **Advisory Committees/Working Groups**

52. (a) The Council may create advisory committees and working groups, whose name and number of members and the bodies to be invited to nominate members shall be specified, including non-members of the Council

(b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee or working group as agreed by the sponsoring committee or Council

(c) An advisory committee may make recommendations and give notice thereof to the Council.

### **Voting in Committees**

53. Members of committees, sub-committees and working groups entitled to vote shall vote by a show of hands or, if at least two members so request, by signed ballot.

**54. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

#### **Presence of Non-Members of Committees at Committee Meetings**

55. A member who has proposed a resolution which has been referred to a committee of which he is not a member may explain his resolution to the committee but shall not vote.

#### **ACCOUNTS AND FINANCIAL STATEMENTS**

56. *(a) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.*

*(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice- Chairman of the Council.*

*(c) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.*

57. The Responsible Financial Officer shall supply to each Member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed 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 Member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

#### **Estimates and Precepts**

58. (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January

(b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than **November**.

#### **INTERESTS (ENGLAND)**

**59. As defined by the Code of Conduct adopted by the Council on 12th July 2012 (as annexed in these Standing Orders), if a Member has a pecuniary interest, or the pecuniary interest is that of his spouse, civil partner or someone with whom he is living as a spouse or civil partner, then he shall declare such interest to the Principal Authority's Monitoring Officer within 28 days of taking office. In**

addition a Member should notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interests that the Principal Authority has decided should be included in the register. If an interest has not been entered onto the Principal Authority's register a Member must disclose the interest to any meeting of the authority at which he is present where he has a disclosable interest in any matter being considered and where the matter is not of a sensitive interest. Following such disclosure a Member must notify the Monitoring Officer of the interest within 28 days of the date of disclosure.

**60. Unless dispensation has been granted a Member may not participate in any discussion of, vote on, or discharge any function related to any matter in which they have a pecuniary interest as defined by regulations made by the Secretary of State. They must also observe the restrictions the authority places on involvement in matters where they have a pecuniary or non-pecuniary interest as defined by the authority.** The Council resolved on the 12<sup>th</sup> July 2012 that if any interest is declared the member must leave the room when the item is under discussion

**61. Members should supply the necessary information for the compilation of a register of Members' interests in accordance with agreement reached with the Monitoring Officer of the Principal Authority and/or as required by statute. This register will be available online.**

**62.** If a candidate for any appointment under the Council is to his knowledge related to any Member or to the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a Member is disclosed Standing Orders Nos 60, 61, 62 shall apply as appropriate.

**63.** The Clerk shall make known the purpose of Standing Order No. 62 to every candidate.

#### **CANVASSING OF AND RECOMMENDATION BY MEMBERS**

**64. (a)** Canvassing of Members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of the Standing Order to every candidate.

(b) A Member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

**65.** Standing Orders Nos 63 and 65 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **INSPECTION OF DOCUMENTS**

66. A Member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**67. All minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.**

## **UNAUTHORISED ACTIVITIES**

68. No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions; unless authorised to do so by the Council or the relevant committee or sub- committee.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

69. **The public shall be admitted to all meetings of the Council and its committees** and sub-committees, **which may, however, temporarily exclude** the public by means of the following resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

70. The Council shall state the special reason for exclusion. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.

71. At all meetings of the Council the Chairman may, at his discretion and at a convenient time in the transaction of the business, adjourn the meeting so as to allow any Members of the public to address the meeting in relation to the business to be transacted at that meeting.

**72. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**

73. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

## **CONFIDENTIAL BUSINESS**

74. (a) No Member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

(b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **LIAISON WITH UNITARY COUNTY COUNCILLORS**

75. A summons and agenda for each meeting shall be sent together with an invitation to attend to the Unitary Councillor for the County division.

76. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Unitary Council shall be transmitted to the Unitary Councillor for the division as the case may require.

### **PLANNING APPLICATIONS**

77. The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:

(a) the date on which it was received; (b) the name of the applicant; (c) the place to which it relates; (d) a summary of the nature of the application.

### **FINANCIAL MATTERS**

78. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

(a) Such Regulations shall include detailed arrangements for the following:

- (i) the accounting records and systems of internal control;
- (ii) the assessment and management of 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 financial reporting requirements of Members and local electors;
- (v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.

(b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in (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 execution of works shall be drawn up;

- (iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - (iv) tenders submitted are to be opened, after stated closing date and time, by the Clerk and at least one Member of Council;
  - (v) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- (d) The Council, nor any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders Nos 60, 61 and 62. (e) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

(The Council is reminded that the European Union Public Sector Procurement Rules Part A are likely to apply to contracts with a value in excess of £173,934, the current threshold until January 2014, and advice should be sought at this level.)

### **CODE OF CONDUCT ON COMPLAINTS**

79. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or Member in such manner as adopted by the Council except for those complaints which should be properly directed to the Monitoring Officer of the Principal Authority for consideration.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

80. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

81. A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

82. A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

### Terms of Reference or Roles and Responsibilities for the Town Council and Committees

#### Malmesbury Town Council

The following matters shall be reserved for decision by the Council itself but the appropriate Committee(s) may make recommendations for the Council's consideration:

1. Agreeing the Precept



2. Borrowing Money
3. Making, amending or revoking Standing Orders, Financial Regulations or Duties and Powers and proper Office provisions
4. Making, amending or revoking Bye Laws
5. Making of Orders under any statutory powers
6. Important matters of principle or policy that have been referred directly by committees or officers
7. Nomination or appointment of representatives of the Town Council on any authority, organisation or body (except approved conference or meetings).
8. Prosecution or defence in a court of law
9. Nomination or appointment of representatives of the Town Council to any enquiry on matters affecting the Town
10. To receive and adopt the Annual Accounts
11. To receive and sign off the Annual External Audit and return
12. To receive reports referred to the Town Council from the various committees, or members of the Town Council.
13. To set up Working Groups as necessary
14. To authorise the sealing of various documents with the Common Seal
15. To select the Town Mayor and Deputy Town Mayor
16. To confirm the schedule of meetings of the Town Council or Committees for the ensuing year.
17. To receive petitions and deputations from members of the public or any organisations
18. Any other matters not delegated to a Committee or referred to the Town Council by a Committee.

### Policy and Resources Committee

*The Policy and Resources Committee meets monthly and manages the Town Council's budget to ensure that expenditure is authorised and income collected. The Committee is responsible for preparing and recommending policies to be adopted by the Town Council and commenting upon existing policies.*

Membership of the Committee shall be 4 chairs of standing committee members plus 4 elected members (8 in total).

The Policy & Resources Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters or premises listed below. The Policy and Resources Committee may appoint subcommittees and delegate any of its powers to a sub-committee. The Committee is

empowered to incur expenditure where it has an allocated budget provision for such purpose otherwise virement must be sought from the Town Council.

### Delegated business

1. Approve payments and receipt accounts
2. Approve special urgent items of expenditure not included in the approved budget, to be limited to £2,000.
3. Sanction expenditure within the approved budget in relation to the repair and maintenance of Council property up to the value of any contingency sum allocated in the budget.
4. Monitor income and expenditure within the agreed budget estimates approved by the Town Council and make necessary recommendations to the Town Council.
5. Approve Service Level Agreements
6. To respond to consultation documents and projects generated by other organisations (unless the nature of the consultation falls directly within the operational remit of another Committee)
7. Crime Prevention and Community Safety
8. To make grants in accordance with agreed Town Council policy and within the approved budget
9. Communication and website
10. Flying Monk Playing Field
11. Market Cross
12. Recommending new policy and amendments to existing policies to the Town Council
13. Recommending to the Town Council amendments to Standing Orders or Financial Regulations.
14. Consider and, if deemed appropriate, approve requests submitted by other Committees for virement between approved budget headings.
15. To be responsible through the Personnel Panel for all personnel issues affecting staff and the recruitment of staff.

In relation to Personnel matters, the Committee will appoint a Personnel Panel of three Members to oversee staffing matters. The membership of the Personnel Panel shall consist of the Chair and Vice-Chair of Policy & Resources Committee and one other member. Wherever practicable the panel shall contain both male and female members of Council.

## Planning and Environment Committee

*The Planning and Environment Committee meets every three weeks or when deemed necessary to consider all planning applications made in respect of premises or land within the town of Malmesbury and those applications made within the surrounding area which may have a major impact upon the town. Comments from the Committee are submitted to Wiltshire Unitary Council as part of their consultation process. The aim is to use Planning Law, Policy and Periodic Planning Guidance notes to preserve and enhance the town's character whilst encouraging its commercial and social vitality. It will also take into account the content of the Neighbourhood Plan.*

Membership of the Committee shall be eight elected councillors.

The Planning & Environment Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Planning & Environment Committee may appoint sub-committees and delegate any of its powers to a subcommittee. The Committee is empowered to incur expenditure where it has an allocated budget provision for such purpose otherwise virement must be sought from the Policy and Resources Committee.

### Delegated business

1. Comment on all planning applications received for Malmesbury or impacting upon the town.
2. To comment on behalf of the Council on all planning matters including Local Plans, Structure Plans, Mineral Plans, Waste Plans, regional Plans and any other Plans or Studies as considered appropriate.
3. Highway and traffic matters
4. Matters which generally affect the built or rural environment of the town
5. To report to the relevant authorities any breach of planning within the Conservation Areas.
6. To recommend policies to Council on all matters affecting traffic management, public transport, flooding and emergency environmental issues.
7. Bus Shelters and Street Furniture
8. Street naming

## Town Hall and Facilities Committee

*The Town Hall and Facilities Committee meets regularly throughout the year and is responsible for overseeing the management of the Town Hall and other facilities owned or operated by the Town Council. The committee is authorised to set such charges as thought necessary subject to the decision not having a detrimental impact upon the agreed projected level of income included within the approved budget.*

Membership of the Committee shall be eight elected councillors.

The Town Hall and Facilities Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Committee may appoint subcommittees or working parties and delegate any of its powers to a sub-committee. The Committee is empowered to incur expenditure where it has an allocated budget provision for such purpose otherwise virement must be sought from the Policy and Resources Committee.

#### Delegated business

1. To secure suitable grounds maintenance of those open spaces and play areas owned or managed by the Town Council and monitor the performance.
2. To ensure adequate general maintenance of play equipment at all existing play areas that are managed or owned by Council.
3. To monitor the regular cleaning of the Town Hall and ensure that regular maintenance is undertaken within the agreed budget.
4. Regularly assess the use of the Town Hall and review the charging policy and conditions of hire.
5. To meet with Movies @ Malmesbury and other similar groups to ensure that services provided are in accordance with the objectives of the Town Council.
6. To advise the Planning and Environment Committee and Wiltshire Council on any identified requirements for additional or improvements to existing play facilities.

#### Community and Town Promotion Committee

*The Community and Town Promotion Committee meets regularly throughout the year and is responsible for overseeing the Town Council involvement in the promotion of the town and community events.. The committee is authorised to set such charges as thought necessary subject to the decision not having a detrimental impact upon the agreed projected level of income included within the approved budget.*

Membership of the Committee shall be eight elected councillors.

The Community and Town Promotion Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Committee may appoint subcommittees or working parties and delegate any of its powers to a subcommittee. The Committee is empowered to incur expenditure where it has an allocated budget provision for such purpose otherwise virement must be sought from the Policy and Resources Committee.

#### Delegated business

1. To organise and administer the Malmesbury in Bloom competition and other similar events for which budgetary provision has been approved.
2. To secure by competition an annual contract to supply plants and other adornments related to floral displays within the town centre.
3. To work with other organisations to promote tourism for the benefit of Malmesbury
4. To work with other organisations to support and encourage the economic vitality of the town
5. To seek to ensure that all sectors of the community are engaged in leisure and other activities promoted or organised by the Town Council

### Joint Burial Committee

*The members appointed to this committee shall meet with members appointed by Malmesbury St Paul's Without Parish Council on a regular basis. The Chair of this committee alternates between the two councils every two years. The committee operate within a budget approved by the constituent councils.*

Membership of the Committee shall be six elected councillors from Malmesbury

### Working Groups 1.      Membership

1.1    The Chair of any Committee setting up a Working Group shall be a member of that Group. Any other elected councillor may be appointed and the Group may include non-elected members of the public or other representative from a properly constituted body.

### 2.      Delegated business

2.1    The Working Group has delegated authority to discuss and debate items as specified by the parent Committee of the Town Council and confirmed within the agreed brief issued by the Committee.

2.2    No Working Group shall have powers to make decisions on policy or budget commitment. Any recommendations must be placed before the parent committee for ratification

2.3    Agendas shall be produced by the Town Clerk's office in conjunction with the Chair.

2.4    Minutes of the meetings will be made available to all councillors and the general public once adopted by the parent committee.

- 2.5 Working Groups will not necessarily be open to members of the public to attend

Co-option Policy

1. All committees of Malmesbury Town Council may co-opt members who are not elected councillors to assist with the work of the committee.
2. The co-option to a committee is not to be confused with the filling of a casual vacancy on the Town Council.
3. It is expected that those persons co-opted to a committee will have the authority of the organisation they are representing
4. Those co-opted to a committee will assist the decision making process of the committee by virtue of their expertise or specialist knowledge
5. Those co-opted to a committee will not have voting rights by virtue of their co-option.