



## **Axbridge Town Council**

### **Standing Orders**

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The following Appendices to the Standing Orders are held as separate documents.

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**Last updated: October 2018**

## PREFACE

This document is a modified version of the model “Standing Orders” booklet issued by NALC (amended slightly by SALC) in 2010 and provides a complete set of Standing Orders as adopted by Axbridge Town Council from the date on the first page.

The document has been left in the generalised format of the NALC booklet and the original paragraph numbering has been retained to maintain the cross references within the document and for easy reference when future editions are published by NALC as the result of changes to legislation. Orders or paragraphs not required are shown in strikethrough font and additional orders and paragraphs have been added to the model orders.

Some 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 or suspended.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used this should be interpreted as also meaning the feminine gender where appropriate.

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. The term “Chairman” is retained in these orders as it refers to the person presiding at Council or Committee meetings who may not necessarily be the Town Mayor.

The term “Standing Committee” is used to refer to a committee of the council which has delegated powers and has meetings which have the same legal regulations as meetings of the council. The term “Advisory Group” (in place of “Advisory Committee” used in the model orders) is used for groups of councillors and advisors set up by council that have no delegated powers but they are subject to regulations and guidance set down in standing orders.

### Notes:

1. Local Government Act 1972 section 270 includes the following definitions and interpretations that are relevant.

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday.

“Easter break” means the periods beginning with the Thursday before and ending with the Tuesday after Easter Day.

2. The option at 3 (a) (i) shown in strikethrough font, for electronic service of Notices, is open to challenge at Audit and is currently not recommended for adoption. A test case or legislation is required to clarify the position.

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## STANDING ORDERS

### 1. Meetings of Council & Standing Committees

- 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.** Meetings must be held in the venues advertised, normally the Town Hall, at such dates and times as agreed by the Council or the relevant Committee
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, 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 shall not count.**

#### Admission of The Public and Press

- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.** The resolution will be in form:

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

In the case of a committee meeting, on the passing of this resolution, all councillors who are not members of that committee must leave the meeting unless the members of the committee agree to one or more remaining. Those councillors remaining by resolution of the committee must be named in the minutes.

- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda or is relevant to the council's legal responsibilities. Members of the public may approach the council table at the invitation of the chairman but must not sit at the council table at any time, except in the case of disability, when a chair at the end of the council table may be used temporarily. Normally, seating away from the council table will be provided for members of the public and press. 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.

- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes.
- f Subject to standing order 1(e) above, the Chairman of meeting may, at his discretion and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted at that meeting or business that is relevant to the council's legal responsibilities. If invited so to do to, a member of the public may speak for a maximum of three minutes on any one topic. The Chairman may require a spokesperson to speak on behalf of the members of the public present when a group of individuals share the same view on a topic. The Chairman will at a convenient time in the transaction of the business, allow any members of the public to make representations, answer questions or give evidence relating to the matter or business being transacted at that time. This opportunity to address the Council will also apply to any member who is otherwise excluded due to a declared prejudicial interest.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A brief summary record of a public participation session at a meeting shall be included in the minutes of that meeting. The minute may include the name of each person who spoke, who they represented and their topic. It will not give details of what they said or their opinion or whether they were for or against a motion on the agenda or any response from councillors given at that point in the meeting.
- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the**

**Council's prior consent.** [*Public Bodies (Admission to Meetings) Act 1960 s1 (7)*]

- n In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

Chairman

- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.** The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- q Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- r The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.** [*See also standing orders 2 (i) and (j) below.*]
- s Unless standing orders provide otherwise, voting on any 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 his vote for or against that question. Such a request shall be made before the vote is taken and before moving on to the next item of business on the agenda.** A signed ballot can be requested by two members. This request must be made before the vote is taken and before moving on to the next item of business.
- t The minutes of a meeting shall record the names of councillors present and those giving apologies for none attendance.**
- u If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.**
- v The code of conduct adopted by the Council shall apply to**

**councillors in respect of the entire meeting.**

- w An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. [See also standing orders 7 and 8 below]**

#### Quorum

- x No business may be transacted at a meeting unless at least one third of the whole number of members of the Council or committee are present and in no case shall the quorum of a meeting be less than 3.**
- y If a meeting is or becomes inquorate no business shall be transacted** and the meeting may be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting or delegated to the Clerk as per the delegation scheme (Appendix F).

#### Length of Meetings

- z Meetings shall not exceed a period of two and a half hours. To minimise the length of meetings all reports for consideration at the meeting should be available to be sent out with the summons to the meeting and at the meeting will be taken as read. Long verbal reports or late written reports should not be accepted by the chairman except under extenuating circumstances.**

#### Cancellation

- aa In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chairman of Council, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.**

#### Smoking.

- bb Smoking is not permitted at any meeting of the Council or any of its committees or groups.**

#### One minute silence

- cc The council chairman will ask for one minutes silence before the commencement of a council meeting as a sign of respect following the death of a member or former member of the council.**

### Prayer

- dd That the holding of a prayer be at the discretion of the incumbent Mayor and, if held, that it be done so prior to the start of the Council meeting.

### Food and Drink

- ee A small packet of mints/throats sweets and a small bottle of still water is considered acceptable at meetings of the Council, standing committees or meetings held in the town hall. No other food or drink is allowed.

## **2. Ordinary Council meetings**

*[See also standing order 1 above]*

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.** The Mayor Making Ceremony will form part of the Statutory Annual Town Council meeting
- 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 may direct.** The Mayor Making Ceremony will form part of the Statutory Annual Town Council meeting.
- 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 directs.**
- e ~~(Wales) In addition to the annual meeting of the Council, other ordinary meetings may be held in each year on such dates and times as the Council may direct.~~
- f **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- g **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- h **The Vice-Chairman of the Council, if any, unless he resigns or**



**becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- j In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

#### Annual meeting

- k Following the election of Chairman of the Council (as per standing orders 1(f) to 1(j)) at the annual meeting of the council, the order of business shall be as follows.**
  - To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - In an election year, to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
  - To elect a Vice-Chairman of the Council
  - To put forward a motion to defer all other business to the next ordinary meeting of the Council on a specified date.

#### First Ordinary meeting

At the first ordinary council meeting after the annual meeting the business must include:

- Confirmation of the accuracy of the minutes of the last ordinary meeting of the Council and the annual meeting.
- Receipt of nominations to existing committees and advisory groups.
- Appointment of councillors as representatives on outside bodies.
- Appointment of honorary officers.

- In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- In a year of elections, agree the procedure to fill any vacancies left unfulfilled at the election by reason of insufficient nominations.
- Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### Annual Business items

The following items of business must be dealt with at ordinary meetings at least once during each year.

- Review of the terms of references for committees and advisory groups. (Appendix B)
- Review and adoption of Standing Orders.
- Review and adoption of financial regulations. (Appendix C)
- Review policies after consideration by relevant Committee or Group. (Appendix D.)
- Review of Risk Assessment and Management document. (Appendix E)
- Review of representation on or work with external bodies and arrangements for reporting back.
- Make arrangements for the review and confirmation of arrangements for insurance cover in respect of all insured risks.
- Make arrangements for the review of the Council's and/or employees' memberships of other bodies.
- Make arrangements for the establishment or review of the Council's complaints procedure.
- Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- Make arrangements for the establishment or review of the Council's policy for dealing with the press/media.
- Not later than the meeting at which estimates for the following year are settled, the Council shall review the pay and conditions of service of existing employees.

### Business at all meetings (except the annual meeting)

The following must be dealt with at every ordinary meeting of the council

except the annual meeting.

- 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.
- **After consideration to approve the signature of the minutes by the person presiding as a correct record.**
- **To deal with business expressly required by statute to be done.**
- To dispose of business, if any, remaining from previous meetings.
- All other items of business to be ordered at the discretion of the clerk in consultation with the chairman.

#### Urgent business.

- I. A motion to vary the order of business on the grounds of urgency 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 shall be put to the vote without discussion.

### **3. Proper Officer**

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.**  
**OR**  
~~[Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer].~~
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a**

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**committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least ( 6 ) days before the meeting confirming his withdrawal of it.
- iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) (i) above.**
- v. Make available for inspection the minutes of meetings.
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. **Receive and retain declarations of acceptance of office from councillors.**
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record in a dedicated database the following details of every planning application notified to the Council
  - The date on which it was received
  - The name of the applicant
  - The place to which it relates
  - The Council's response to the local planning authority.
- xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council or Chairman or in his absence Vice-Chairman of the Planning and Licences 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 Council or the Planning and Licences Committee. [The Committee remit defines those applications that are delegated to it.]
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xix. Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss

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- of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.
- xx. Act as per the delegation scheme in matters relating to the Planning and Licences Committee.

### Correspondence

- xxi. That the Proper Officer shall be authorised to deal with correspondence on behalf of the Town Council, as appropriate, having regard to the following guidance

Items requiring a Council decision should be referred to full Council or the relevant Committee, or passed to the relevant Advisory Group or representative to make a recommendation to Council.

Items received for the council's information should be included on the list of correspondence for the subsequent Council meeting for members' information.

Correspondence which the Clerk considers, after consultation with the Chairman, is not relevant to, or within the remit of, Axbridge Town Council, will not be brought to the Council's attention.

Correspondence which the Clerk considers, after consultation with the Chairman, may contain defamatory statements will not be brought to the Council's attention, due to the risk to the Council of publishing such information. The correspondence will not be disclosed or acknowledged and, where considered appropriate, will be returned to the sender.

Correspondence relating to formal allegations to the Sedgemoor District Council's Standards Committee, or relevant body, will not be brought to the attention of Council whilst under consideration as these matters are outside the remit of the Council at that stage. They will be treated as sub-judice and only reported to Council once the matter has been concluded.

#### **4. Motions requiring written notice**

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received

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in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 in clear and certain language at least seven clear days before the next meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

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

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

- xii. To dissolve a committee.
- xiii. To note the minutes of a meeting of a committee.
- xiv. To consider a report and/or recommendations made by a committee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds signed by two councillors and witnessed. (See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to £6000.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

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

## 6. Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding three minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:



- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## 7. Code of conduct

*[See also standing orders 1(d)–(i) above]*

- a **All councillors shall observe the code of conduct adopted by the Council as given in Appendix A.**
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c **If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## 8. Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided seven clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

## **9. Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman 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 Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10. Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11. Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least two councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee or advisory group.

A resolution (whether affirmative or negative) of a Standing Committee of

the Council shall not be reversed within 6 months except by a special motion, the written notice whereof bears the names of at least two members of the committee.

- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12. 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 one person. Any tie may be settled by the Chairman's casting vote.

## 13. Expenditure

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

## 14. Execution and sealing of legal deeds

*[See also standing order 5(a)(xvi) above]*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 15. Committees

*[See also standing order 1 above]*

The Council may, appoint the following standing committees;

The Appeals Panel [Only appointed when required]

The Complaints Committee [Only appointed when required]

The Personnel and Protocol Committee

The Planning and Licences Committee

and:

- i. shall determine their terms of reference and delegate to them a review of relevant policies. *[Appendix B shows Committee remits];*

- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint at least three persons to each committee such that there is a majority of councillors, and, determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer three days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.
- ~~vii. The Chairman and Vice Chairman of Council may elect to be a voting member of any committee or sub-committee other than the Staffing Committee.~~
- viii. The Chairman and Vice-Chairman of the Council, ex-officio, shall be voting members of every standing committee.
- ix. Except where ordered by the Council, the quorum of a standing committee will be three or one third of its members whichever is the larger with at least one half of those present being councillors.
- x. Every standing committee and advisory group shall at its first meeting before proceeding to any other business, elect a Chairman who must be a councillor, and may elect a Vice-Chairman, who must be a councillor. They shall cease to hold office at the next Annual Meeting of the council unless the remit specifies otherwise.
- xi. A member who has proposed a resolution, which has been referred to a standing committee of which he is not a member, may explain his resolution to that committee but shall not vote.

#### Special Meeting of a Standing Committee

- xii. 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 the 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.

- xiii Committees will, at their first meeting each year, have an agenda item to review their remit and all policies relating to that committee as listed in standing orders. Each year the review will be reported to full council and any changes recommended by the committee will be referred to council for consideration.

**16. Sub-committees**

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

**17. Extraordinary meetings**

*[See also standing order 1 above]*

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

**18. Advisory Groups**

*See also standing order 1 above*

- a The Council may appoint advisory groups comprised of a number of councillors and non-councillors. These may be Permanent or Temporary Groups the latter being appointed for a specific function or event. The permanent advisory groups being

The Administration and Finance Advisory Group  
The Axbridge Promotion Advisory Group  
The Axbridge Youth Partnership  
The Cemeteries, Allotments and Open Spaces Advisory Group  
The Leisure and Recreation Advisory Group

## The Highways Advisory Group.

- b The Council will determine the remits for the Advisory Groups but may not delegate any powers to them. Relevant council policies may be referred to them for review. [*Remits for permanent groups are shown in Appendix B.*]
- c The Chairman of Council the Vice-chairman of Council are ex-officio members of all Advisory Groups and all advisory groups must have a majority of councillors.
- d Every Advisory Group shall at its first meeting before preceding to any other business, elect a Chairman who must be a councillor, and may elect a Vice-Chairman, who must be a councillor. They shall cease to hold office at the next Annual Meeting of the council unless the remit specifies otherwise.
- e An advisory group may make recommendations and give notice thereof to the Council. The wording of recommendations must be agreed by a majority of members attending the meeting at which they are dealt with.
- f An advisory group must report to council regularly on its activities in a written format. Reports must record details of all meetings including the names of those present and those who gave apologies and the author and date.
- g All councillors are entitled to attend Advisory Group meetings to observe. Councillors who are not members of the advisory group and wish to attend must inform the advisory group chairman at least seven days before the date of the meeting.
- h A member who has proposed a resolution, which has been referred to an advisory group of which he is not a member, may explain his resolution to that group but shall not vote.

### Venues for meetings

- i Advisory groups of the Council should meet responsibly at a venue which is considered by the members of that group to be a convenient and appropriate location for the members involved.
- j When contentious issues or items which have not been fully prepared for release to the public are to be discussed, the meetings should be held in the Town Hall or Council Chamber.
- k Consideration should be given to using the Town Hall or Council Chamber for advisory group meetings which consist of a larger number of members and/or involve co-opted members.
- l If any member of an advisory group wishes for that group to meet in the Town Hall or Council Chamber, the group will meet there accordingly.
- m Advisory Groups will, at their first meeting each year, have an agenda item to review their remit and all policies relating to that advisory group as listed in standing orders. Each year the review will be reported to full

council and any changes recommended by the advisory group will be referred to council for consideration.

## **19. Accounts and Financial Statement**

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

## **20. Estimates/precepts**

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of November.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than September.

## **21. Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of documents**

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

meetings of the Council and its committees shall be available for inspection by councillors.

### **23. Unauthorised activities**

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

### **24. Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee by a resolution of the Council.

### **25. Power of well-being**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

### **26. Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Personnel and Protocol Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above. It shall also consider whether other councillors shall be excluded to ensure proper process in any Appeal.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Personnel and Protocol Committee at its next meeting.
- c The Chairman of the Personnel and Protocol Committee or in his



absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the committee.

- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the Personnel and Protocol Committee or in his absence, the Vice-Chairman of the committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the committee.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Clerk relates to the Chairman or Vice-Chairman of the Personnel and Protocol Committee, this shall be communicated to another member of the committee, which shall be reported back and progressed by resolution of the committee.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Clerk and/or the Chairman of the Council.

## **27. Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

## 28. Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## 29. Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District Council and County Council representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County shall be sent to the District or County Council councillors representing its electoral ward.

## 30. Financial matters

- a The Council shall consider and approve financial regulations (Appendix C) drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate

- meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
  - e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### 31. Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall notify the chairman of the Council, ~~who shall refer it to a committee known as the ( ) committee.~~
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council ( ) ~~committee~~ of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council ( ) ~~committee~~) shall take the steps set out below, ~~together with other~~ all steps considered necessary, to maintain confidentiality.
  - i. ~~Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.~~
  - ii. ~~Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.~~
  - iii. ~~Ensure that the public and press are excluded from meetings as appropriate.~~
  - iv. ~~Ensure that the minutes of meetings preserve confidentiality.~~
  - v. ~~Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.~~
- e ~~Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the ( ) committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.~~
- f The ( ) committee shall have the power to:
  - i. ~~seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;~~
  - ii. ~~seek and share information relevant to the complaint;~~

- iii. ~~grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.~~
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

### **32. Variation, revocation and suspension of standing orders**

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

### **33. Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

### **34. Complaints on procedures**

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 Standards Board (England). The complaints procedure adopted by the Council is set out in full in Council Policies (Appendix D).

### **35. Email correspondence by Councillors and Employees**

The clerk will have email facilities and an allocated email address for use on council business.

Other employees may also have allocated email addresses if appropriate. Councillors are encouraged to use email for council business.

For all councillors agreeing to use email

- a. The council will set up an email address for council use only i.e. this can be used for correspondence with the clerk and other employees, councillors, or other persons or organisations in connection with council business.
- b. The clerk can communicate with councillors using this address. The clerk will not use any other councillors' email addresses except in exceptional circumstances.

- c. Councillors are expected to read their emails on a regular basis and act on them as appropriate.
- d. Council email addresses will be made available to the general public.
- e. Summons to meetings of the council and its committees, together with the relevant agendas, papers, minutes and short reports issued at the same time, will be supplied as a hard copy and by email.
- f. Normally long reports and consultation documents will be available on-line only.
- g. All confidential items will be supplied as printed copy only.
- h. Emails to individuals and organisations outside of the council should be copied into the clerk.
- i. Issues should not be debated by email. The discussion and decision should happen at the appropriate meeting of councillors.
- j. Responding to emails by selecting "Reply all" should be used with extreme caution. If it is used, the list of email addresses must be checked carefully before sending to avoid replies going to unintended persons.

(For councillors not using email, alternative arrangements will be made for correspondence.)

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