



RYDE TOWN COUNCIL

STANDING ORDERS

For Information:

- These Standing Orders incorporate various new requirements, such as those to be observed under the new Code of Conduct adopted in July 2012 and amended in May 2014 following the Localism Act 2011. They also incorporate the requirements of the Freedom of Information Act 2000 - Publication Scheme. Even if Standing Orders have not been formally adopted, a chairman can use them as a basis for rulings on procedures if there is a dispute.
- 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.**
- Where the words “Local Councils” are used, it means Parish and Town Councils in England.
- The Chairman shall be known as the Mayor and the Vice-Chairman shall be known as the Deputy Mayor.
- It is, of course, recognised 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 feminine gender, where appropriate.
- These Standing Orders were adopted on 12 May 2008 and amended on 11 January 2010, 2 July 2012, 3 September 2012, 14 January 2013, 12 May 2014, 6 October 2014, 7 September 2015, 15 May 2017, 14 May 2018 and 13 May 2019.

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RYDE TOWN COUNCIL - STANDING ORDERS

1. Meetings

Ordinary meetings of the Council shall be held on the first Monday of each month in each year, except where that Monday falls on a Bank Holiday or in August and January.

2. The Statutory Annual Meeting

- 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 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.**
- c) The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- d) 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.**
- e) The Vice-Chairman of the Council, if there is one, 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.**
- f) 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 annual 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 shall give a casting vote in the case of an equality of votes.**
- g) 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 annual 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 shall give casting vote in the case of an equality of votes.**
- h) 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 place as the Council may direct.**

3. Chairman of the Meeting

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

- b) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- c) **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) is present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen the Councillors present at the meeting shall preside at the meeting.**

4. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer: -

The Proper Officer shall;

- Receive declarations of acceptance of office.
- Receive and record notices disclosing interests at meetings.
- Receive and retain plans and documents.
- Sign notices or other documents on behalf of the Council.
- Receive copies of bylaws made by another local authority.
- Certify copies of bylaws made by the Council.
- Keep proper records for all Council meetings.

At least three clear days before a meeting of the Council, a committee or a sub-committee shall,

- **Serve on Councillors by delivery or post at the residence or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with an agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

See Standing Order 1 for the meaning of clear days for a meeting of a full council and Standing Order 29 for the meaning of clear days for a meeting of a committee;

- **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- **Facilitate inspection of the minute book by local government electors;**

- Arrange for legal deeds to be executed (see also Standing Order 72).

5. Quorum of the Council

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
- b) 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 other day as the Chairman may fix.
- c) For a quorum relating to a committee or sub-committee, please refer to Standing Order 33 (b).

7. Voting

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

- a) 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.**
- b) Subject to (d) and (e) 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.**
- c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**
- d) A Councillor or non-councillor with voting rights who has a disclosable pecuniary interest or interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restriction under the code on his right to participate and vote on that matter. See Standing Order 42.**

8. Order of Business

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 reason 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 and sub-committees.
- h) To consider the payment of any subscriptions falling to be paid annually.
- i) To inspect any deeds and trust investments in the custody of the Council as required;
- j) To receive reports from any Members who have attended any meetings on behalf of, or at direction of, the Council
- k) To receive such announcement from the Chairman as he deems fit.

And shall thereafter follow the order set out in the Standing Order 15.

- 9. **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.**
- 10. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 26 must be read in conjunction with this requirement.
- 11. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of **urgency**, shall be as follows:-
 - a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - c) **To deal with business expressly require by statue to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive such communication as the person presiding may wish to lay before the Council.

- f) To answer questions from Councillors in accordance with Standing Order 15.
- 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 receive reports from Members who have attended any meetings on behalf of, or at the direction of, the council.
- l) To receive such announcements from the Chairman as he deems fit.

12. Varying the Order of Business

A motion to vary the order of business on the ground 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.

13. Resolutions Moved On Notice

- a) 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.
- b) 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 and file for inspection by every member of the council.
- c) 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.
- d) 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.

- e) 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.
- f) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

14. Resolutions Moved Without Notice

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 amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Standing Order 53a)
- o) To silence or eject from the meeting a member named for misconduct. (see Standing Order 21)

- 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 59)
- r) To adjourn the meeting.

15. Members Questions

- a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, or on a matter affecting the town but which is not included on the agenda for the meeting or is not otherwise before the Council.
- b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- c) Where the Chairman or Clerk is unable to provide an answer at the meeting he shall provide a written answer for the Member as soon as possible.
- d) A person to whom a question has been put may decline to answer until the next meeting of the Council.

16. Public Questions

- a) There will be an opportunity for the public to ask questions concerning the business of the Council or on a matter affecting the town but which is not included on the agenda for the meeting or is not otherwise before the Council before the start of any meeting of the Council (excluding working parties).
- b) Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member, to whom it was to be put, will be dealt with by a written answer as soon as possible.
- c) Every question shall be put and answered without debate or resolution.
- d) A person to whom a question has been put may decline to answer.
- e) The Chairman may disregard any question that:
 - Is or relates to matters of a quasi-judicial nature; or
 - Is defamatory, frivolous or offensive; or refers to legal proceedings being taken or being anticipated by or against the Council; or

- Requires the disclosure of confidential or exempt information; or
- Where the questioner has a commercial or financial interest in the issue

17. Right to make Representation

- a) Any member of the public wishing to make representation to the council, on an item which is considered to be the business of this council, may speak at a council meeting (at the start of the agenda item) for a period not exceeding three minutes, prior to councillors formulating their comments. Members of the council will then be allowed, at the discretion of the Chair, to ask questions to the member of the public.
- b) Where a ¹group of members of the public wishes to make representation on an item which is considered to be the business of this council, and is listed on the agenda, they will be required to nominate a representative, from among themselves, to speak for a maximum of three minutes to express the views of the group.
- c) The total time allowed for questions/representations by members of the public will not exceed ten minutes for any given item. The Chairman reserves the right to limit the number of speakers on any given item of business and his/her decision will be final.
- d) If, after speaking for the allotted time, any member of the public or group persistently interrupts and does not usefully contribute to the debate; the Chair, after due warning to that person/s, may order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.
- e) Any member of the council, with a prejudicial interest in any item before the council, will be entitled to attend the meeting to make representation, give evidence or answer questions in the same way as any member of the public and under the same constraints laid down by the council in these standing orders, before leaving the council chamber.

¹A group shall be defined as any a number of persons bound together by a common interest

18. Rules of Debate

- a) 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.

- b) 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.
- c) 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.
- d) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- e) No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed three minutes except by consent of the Council.
- f) An amendment shall be to leave out words or insert other words.
- g) An amendment shall not have the effect of negating the resolution before the Council.
- h) 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.
- i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- j) A member may speak on a point of order or a personal explanation.
- k) A motion or amendment may be withdrawn by the proposer with the consent of the Council.
- l) When a resolution is under debate no other resolution shall be moved, except the following: -
 - o To amend the resolution.
 - o To proceed to the next business.
 - o To adjourn the debate.
 - o That the question be now put.
 - o That a member named be not further heard.

- That a member named leaves the meeting.
- That the resolution be referred to a committee.
- To exclude the public and press.
- To adjourn the meeting.

19. Ruling of the Chairman

- a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Any member may speak when invited by the Chairman and shall so indicate by raising his hand but shall not begin his speech until called by the Chairman who shall decide the order in which members are to speak.
- c) Speeches shall be relevant to the matter under debate and the Chairman may stop a Member speaking if he is of the opinion that the speech is not relevant or substantially repeats the speech of another Member.
- d) Discussion must take place through the Chair All members are expected to listen with courtesy and the Chairman will refer to the rules of debate if necessary. Members are expected to familiarise themselves with the rules of debate.

20. Closure

After any matter that requires a vote has been discussed to the satisfaction of the Chairman it shall be put into a suitable form of words for a vote. In the event of there being insufficient information for a vote the matter may be adjourned at the discretion of the Chairman. The motion to be voted on must suggest a positive course of action e.g. It is resolved to spend £50 on a play area; those for, against or abstaining.

(Note: Where a meeting is adjourned, the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued, except a notification to those members not present at the date of the continuation of the meeting)

21. Disorderly Conduct

- a) **All members must observe The Code of Conduct which forms Appendix 7 to these Standing Orders, which were adopted at the July 2012 meeting of the Council and amended at the May 2014 meeting, and the Code of Conduct Complaints Procedure forming Appendix 8 to these**

Standing Orders which were adopted at the July 2012 meeting.

- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully 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 forth with 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.

22. Right of Reply

The mover of a resolution shall have a right to reply, limited to three minutes, 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.

23. Alteration of Resolution

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

24. Rescission of Previous Resolution

- 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 nine members of the Council.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months *unless*:
 - A decision was made in reliance on information that has subsequently found to be incorrect; or
 - Where there has been a change in the law in relation to that decision; or
 - A decision relating to payments made to external organisations shall be exempt from rescission but shall be subject to a cooling off period of 5 working days.

25. Voting On Appointments

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

26. Discussions and Resolutions Affecting Employees of the Council

- a) If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 51)
- b) The Chair shall rule out of order any comments relating to the conduct or capability of any officer unless that officer's conduct or capability is the subject matter before the Council

27. Resolutions on Expenditure

Any matter which will substantially exceed the amount budgeted for will be suspended until a full discussion has taken place. Similarly, any unforeseen surplus will not be spent until after full discussion.

28. Expenditure

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

29. Committees and Sub Committees

The Council may at its Annual Meeting appoint standing committees and 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 as *advisory members unless it is a committee which regulates and controls the finances of the Council.*
- c) May subject to the provisions of Standing Order 18 above at any time dissolve or alter the membership of committee.

30. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
31. Every committee 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.

32. Extraordinary meetings of the Council, Committees and Sub-Committees

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council 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 shall be signed by the two Councillors.**
- c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.
- d) The summons shall set out the business to be considered at the extraordinary meeting and no other business shall be transacted at that meeting.

33. Sub-Committees

- a) Every committee may appoint sub-committees for purposes to be specified by the committee.
- b) 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.
- c) 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 sub-committee shall be *one-third* of its members.
- d) In the absence of a quorum the meeting shall be adjourned.
- e) The business not transacted shall be deferred to the next ordinary meeting of the committee,
- f) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

34. Advisory Committees

- a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council
- d) An advisory committee may consist wholly of persons who are not members of the Council.

35. Voting in Committees

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

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

37. After the voting, a member may require the minutes of the meeting to record whether he voted for or against a motion, or abstained from voting.

38. Presence of Non-Members of Committees at Committee Meetings

- a) A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.
- b) All Members shall be informed of the dates of the meetings of all committees.
- c) Each Member who is not appointed to a committee shall have the right to attend and observe its meetings from the area, if any, set aside for such members or from the public seating area only.
- d) Each Member may, with the chairman's consent, speak at the Committee or temporarily sit and speak at the committee table on a particular item but shall then return to the seating area.

39. Accounts and Financial Statement

- a) Except as provided in paragraph (b) 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 payments before they have been authorised by the Council, such payments shall be certified as to their correctness and urgency by the RFO, or the Clerk in his absence. Such payments shall be authorised by the RFO, or by the Clerk in his absence, for payments with the approval of the Chairman of the Finance Committee or Vice-Chairman in his absence.
 - c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
40. 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.
41. Estimates / Precepts
- 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.
42. Interests (ENGLAND)

If the Council is due to consider a matter that affects a matter disclosed in a members register of interest or in a register of disclosable pecuniary interests then the member must declare that interest before the matter is being discussed or when that interest becomes apparent (as defined by the Code of Conduct, adopted by the Council at its July 2012 meeting and amended at the May 2014 meeting, and which forms Appendix 7 to these Standing Orders) Members must also consider whether they should declare a personal interest in an item of business as defined in the Code and then whether to take part in any subsequent discussion around that item. (Code amended at the May 2014 meeting)

43. The Clerk is required to hold a register of members interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and / or as required by statute. Registers are also required to be placed on the Town Council's website.

44. If the matter relates to an interest in your register of pecuniary interest then you must take no part in its consideration and if it is being considered at a meeting of the Town Council you must leave the room for that item, other than to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures. In such cases once you have participated as a member of the public you must leave the room during the remainder of the debate.

45. Register of Gifts and Hospitality

A member must register with the Clerk any gift or hospitality exceeding a value of £50 that they have been offered (whether accepted or not)

46. Dispensations

a) Section 33 of the Localism Act 2011 requires the Town Council to determine written requests for dispensations for councillors to take part in Council business where this would otherwise be prohibited because of a Disclosable Pecuniary Interest.

The power to grant dispensations that will affect all or most of the Members of the Council, has been delegated to the Town Clerks, under Section 101 of the Local Government Act 1972. Requests for Dispensation' is now a standing item on Council Agendas and individual requests are considered and made by the Town Council using the 'Councillors request for dispensation' form (As approved in January 2013).

b) A dispensation may be granted in accordance with this standing order if having regard to all relevant circumstances any of the following apply:

- o Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or**
- o Granting the dispensation is in the interests of persons living in the Council's area; or**
- o It is otherwise appropriate to grant a dispensation.**

47. Contracts and Interests

- a) by the Council or any committee declare that interest and withdraw from If any Member of the Council or any committee has any personal and prejudicial interest, within the meaning of the Code of Conduct in any contract, proposed contract or other matter, that Member shall, while the contract, proposed contract or other matter is being considered the meeting.
- b) If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A 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 Order 42 shall apply as appropriate. The Clerk shall make known the purpose of Standing Order 47 to every candidate.

48. Canvassing of and Recommendations by Members

- 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 this 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.

49. Standing Order Nos. 47 and 48 shall apply to tenders as if the person making the tender were a candidate for an appointment.

50. Inspection of Documents

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

51. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

52. Unauthorised Activities

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.

53. Admission of the Public and Press to Meetings

- a) The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, 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 which may, however, temporarily exclude the public by means of the following resolutions:-**

“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”

- b) The Council shall afford to the press reasonable facilities for the taking of their report of any proceeding at which they are entitled to be present. In addition, in accordance with the Openness of Local Government Bodies Regulations 2014 the Council are required to allow any member of the public to take photographs, film and audio- record and report the proceedings at all public meetings. It would be helpful if any member of the public that wishes to film or auto record a meeting lets the Town Council know so that arrangements can be made to provide reasonable facilities to facilitate this reporting. Reasonable facilities include space to hear and view a meeting, seats and a desk. Any publication of reporting by a member of the public should be done so having regards to the laws of the land, including defamation and public order, and should show respect and tolerance towards others. Anyone acting in a disruptive manner may be excluded from a meeting under Standing Order 21. A person present at a meeting may not provide an oral report or oral commentary about a meeting at which they are entitled to be present.**

- c) 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.

54. Confidential Business

- 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 (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

55. Liaison with County Councillors

- a) A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the appropriate division or ward.
- b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be transmitted to the County Councillor for the division.

56. Planning Applications

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.

57. Financial Matters including Procurement of Goods, Services and Works

The Council shall consider and approve Financial Regulations.

- a) It shall also consider and approve **Contract Standing Orders** which form **Appendix 1** to these Standing Orders.

- b) Any proposed contract for the supply of goods, works and services shall be procured in accordance with the above Contract Standing Orders and the Councils approved Financial Regulations. In addition, the Councils **Procurement Code of Practice** referred to within the Councils Contract Standing orders shall be used as a guide to the proper procurement of goods, services and works. This excludes contracts relating to those items set out in clause 10.2 of the Councils Financial Regulations.
- c) A notice issued under this standing order shall contain a statement of the effect of Standing Order Nos. 47, 48 and 49.
- d) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in this Standing Order is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- e) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in the OJEU.**
- f) **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

58. Code of Conduct on Complaints

- a) 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 in the Terms of Reference for the Personnel Panel except for those complaints which should be properly directed to the Isle of Wight Councils Monitoring Officer as referenced to in the Town Councils

Code of Conduct Complaints Procedure which forms **Appendix 8** to these Standing Orders and which were adopted by the Council in July 2012.

- b) Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

59. Variation, Revocation and Suspension of Standing Orders

- a) 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.
- b) 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.

60. Standing Orders to be given to Members

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.

61. Record of attendance at Council Meetings

Each Member attending the Council meeting shall sign his name in the Attendance Book.

62. Agendas and Minutes

- a) The content of the agendas for all committee meetings shall be finalised by the Town Clerk in consultation with the Chairman of the committee.
- b) The Town Clerk shall be responsible for the content of the printed version of the minutes of all Committee meetings subject to consultation with the relevant committee Chairman.
- c) Agendas will be published and summonses issued 3 clear working days before a committee meeting.
- d) 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.**
- e) 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.

- f) The minimum three clear days' public notice for a meeting does not include day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

63. Proceedings to be confidential

All agendas, reports and other documents and all proceedings of committees, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business, subject to the requirements of the Freedom of Information Act 2000.

64. Members – roles and responsibilities

Members shall recognise the distinction between their role of determining the Council's policies and taking key decisions and the responsibility of council staff to manage the Council's day-to-day activities, and will conduct themselves accordingly. The day to day activities of staff can only be directed as a result of decisions made by the Full Council, or Committee of the Council with the delegated authority. The Council's approved '**Councillor and Employee Working Protocol**' forms **Appendix 10** to these Standing Orders as approved on 13 May 2019.

65. Appointments to committees other than at the Annual meeting

- a) Any member wishing to resign from a committee or working party should advise the town clerk of his intention in writing
- b) The filling of a vacancy on a committee or working party will, after discussion with the Chairman of the committee or working party, be taken to the next available Council meeting for decision. (See Standing Order 14 (h))

66. Mobile phones

Mobile phones must be switched off or on silent mode while meetings of the Council are in progress.

67. Freedom of Information Act 2000 – Publication Scheme / Protection of Freedoms Act 2012

- a) The Council shall consider and approve a Publication scheme in accordance with the requirements of the Freedom of Information Act 2000 and which form Appendix 2 to these Standing Orders, and which**

will be prepared in accordance with model publication scheme approved by the Information Commissioner.

- b) The Council shall also consider any implications of the Protection of Freedoms Act 2012
- c) If gross annual income or expenditure (whichever is higher) exceeds £200,00, **the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

68. Health and Safety Policy Statement

Ryde Town Council will recognise their duties under the Health and Safety at Work Act (as amended) 1974 and the associated regulations and endeavour to meet the requirements of the legislation and maintain a safe and healthy working environment. The Council shall therefore consider and approve the Health and Safety Policy Statement contained within **Appendix 3** to these Standing Orders.

69. Responsibilities under Data Protection Legislation

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

70. Management of Information

- a) **The Council shall have in place and keep under review, technical and organisations measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's Retention Policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980). The Policy is attached as appendix 5.**
- c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

71. Safeguarding Policy

Ryde Town Council will aim to work in a way that helps, as far as possible, to safeguard the welfare of children, young people and vulnerable adults and fully accepts its role and responsibility in this respect. The Council shall therefore consider and approve the *Safeguarding Policy contained within **Appendix 6** to these Standing Orders.*

72. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **Subject to Standing Order 64, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**