



Kirton in Lindsey Town Council  
Policy 01

# Standing Orders

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## INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. These standing orders are based upon the NALC model standing orders 2018. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

Standing orders that are in **bold type** contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

## GLOSSARY OF TERMS

**Motion** – a term used to describe a written proposal on an agenda, having been submitted in advance to the Clerk

**Move a motion / proposal** – phrase used by a councillor to put a proposal / motion to a vote (after suitable discussion).

**Point of Order** – phrase used (by a Councillor) to alert the Chair that a standing order is not being complied with properly or is being ignored.

**Proper officer** - see standing order 15(a).

**Proposal** – a sentence created by a Councillor in order to get a decision by a vote.

**Proposer** – a Councillor putting a proposal / motion to the Council for a decision by a vote.

**Quoracy / Quorate** – the minimum number of members of the Council, or committee, needed for the meeting to legally go ahead.

**Resolution** – the result of a vote on a proposal or motion.

**Responsible Financial Officer** – see standing order 16(a).

**Second** – a Councillor who supports the proposal / motion of a Proposer & is necessary for the item to go to a vote.

**Standing Committee** – a committee that is set up by the Council at the Annual Council Meeting.

**Sub-Committee** – a (smaller) committee of a committee

**Working Group** – a group of councillors, set up by the Council, with a remit to work on a specific task, but which doesn't have the formality of a committee.

1. **RULES OF DEBATE AT MEETINGS**

- a Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A proposal (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A proposal on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a proposal (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to the original proposal. It shall not negate the original proposal.
- f If an amendment to the original proposal is carried, the original proposal (as amended) becomes the substantive proposal upon which further amendment(s) may be moved.
- g *Deleted. (deemed as not being needed)*
- h A councillor may move an amendment to their own proposal if agreed by the meeting. If a proposal has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive proposal, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive proposal.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original proposal are carried, the mover of the original proposal shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive proposal immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a proposal except:
  - i. to speak on an amendment moved by another councillor;

- ii. to move or speak on another amendment if the proposal has been amended since they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a proposal, a councillor may interrupt only on a point of order or to give a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- r When a proposal is under debate, no other proposal shall be moved except:
- i. to amend the proposal;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the proposal to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a proposal to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive proposal is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the proposal under debate has exercised or waived their right of reply.
- t Excluding proposals moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the proposal under discussion and shall not exceed 2 minutes without the consent of the Chair of the meeting.

## 2. **DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave

offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.

- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The proposal, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, at the invitation of the Chair.
- f The period of time designated for public participation before a meeting in accordance with standing order 3(e) shall not exceed 15 minutes in total unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.

- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given at a later time.
- i A person shall raise their hand when requesting to speak.
- j A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the Annual Meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present, and voting, gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
  
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting*
  
- w **If a meeting is, or becomes, inquorate no business shall be transacted** and the meeting shall be closed. The business on the remaining agenda for the meeting shall be adjourned to another meeting.
  
- x A meeting shall not exceed a period of 2.5 hours.

4. **COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
  - vii. shall permit a committee, that is not a standing committee, to appoint its own Chair at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three and no more than seven councillors, except the Personnel & Disciplinary Committee which shall be only three Councillors (but note other conditions under Appendix B – Committee Terms & References);
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council**

**resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees, including Chair, see section 4(d) (vi);
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;

- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

**6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not 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 Chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the Chair of a committee or a sub-committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee or the sub-committee, any 2 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

**7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice signed by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9, or by a proposal moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a proposal moved pursuant to standing order 7(a) has been disposed of, no similar proposal may be moved for a further six months.

**8. VOTING ON APPOINTMENTS**

- a Where more than two 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. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting. Each

Councillor has only one vote which can be cast to only one candidate.

**9. PROPOSALS FOR A MEETING THAT HAVE BEEN SUBMITTED IN WRITING**

- a A proposal shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No proposal may be moved at a meeting unless there is a relevant item on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a written proposal on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the proposal.
- d If the Proper Officer considers the wording of a written proposal received in accordance with standing order 9(b) is not clear in meaning, the proposal shall be rejected until the mover of the proposal resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a ~~proposed~~ written proposal is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the proposal shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the written proposal on the agenda shall be final.
- g Proposals submitted in writing shall be recorded and numbered in the order that they are received.
- h Proposals rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

**10. PROPOSALS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following items may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;

- iii. to defer consideration of an item;
- iv. to refer an item to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee, sub-committee or working group and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12. DRAFT MINUTES

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
 

“The Chair of this meeting does not believe that the minutes of the meeting of Kirton in Lindsey Town Council/[x]Committee Meeting held on [date] in respect of [ xyz ] were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
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- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they has another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made either by the Proper Officer OR by a meeting of the Council, and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required OR at the beginning of the meeting of the Council,.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**

**iii. it is otherwise appropriate to grant a dispensation.**

- i Councillors with a personal and 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.

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 the Code of Conduct adopted by the Town Council (see Appendix A) 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.

**14. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the 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.**

15. **PROPER OFFICER**

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

b The Proper Officer shall:

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

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

- ii. subject to standing order 9, include on the agenda all items in the order received unless a councillor has given written notice at least 5 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic

form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- xii. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. refer a planning application received by the Council to the Chair or in their absence Vice-Chair (if there is one) of the General Purposes Committee within two 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 General Purposes Committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(*see also standing order 23*).

## 16. **RESPONSIBLE FINANCIAL OFFICER**

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

## 17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;

- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **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 standing order 18(f) 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.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **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 and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

- g. **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 works contract; or £820,370 for a social and other specific services 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.**

19. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Council or the Personnel & Disciplinary Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel and Disciplinary Committee or, if they are not available, the vice-Chair of the Personnel and Disciplinary Committee (if there isn't a Vice -Chair, then the Chair of the Council) of absence occasioned by illness or other reason and that person shall report such absence to the Personnel and Disciplinary Committee at its next meeting.
- c The Chair of the Personnel and Disciplinary Committee or in their absence, the vice-Chair (if there is one, see 18(b) above) shall conduct a review of the performance and annual appraisal of the work of the Town Clerk/RFO once a year and in good time so as to inform the budget process for the next financial year (in case training needs identified need to be paid for). The reviews and appraisal shall be reported in writing to a full Council meeting and are subject to approval by resolution by the Personnel and Disciplinary Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Personnel and Disciplinary Committee or in their absence, the vice-Chair (if there is one – see 18(e) below) in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel and Disciplinary Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk/RFO relates to the Chair or vice-Chair (if there is one) of the Personnel and Disciplinary Committee, this shall be communicated to another member of the Personnel and Disciplinary Committee, which shall be reported back and progressed by resolution of the Personnel and Disciplinary Committee. *(Additional members may need to be co-opted)*

- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- 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 their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## 22. RELATIONS WITH THE PRESS/MEDIA

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

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

*See also standing orders 15(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

*The above is applicable to a Council without a common seal.*

## 24. COMMUNICATING 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 ward councillor(s) of the Unitary Council representing the area of the Council.
- b Ward Councillors are to be allocated an agenda items during Town Council Meetings during which they can update the Town Council on relevant Principle Authority and local issues. Ward Councillors are to be allowed to speak to this agenda items without the need to close the meeting.
- c With the Chairman's consent, any additional and relevant information the Ward Councillors may have on other agenda items that may arise as a Town Council Meeting progresses will also be allowed and provided.

## 25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## 26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements (indicated by type in bold), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A proposal to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements,

shall be proposed by a special proposal, the written notice signed by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.

- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

## **27. GENERAL POWER OF COMPETENCE (England)**

- a Before exercising the general power of competence, 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 or town council.
- b The Council's period of eligibility begins on the date that the resolution understanding standing order 27(a) was made & expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 27(b).

## **28. TITLE OF MAYOR & DEPUTY MAYOR**

- a In these Standing Orders, & associated Appendices, where the title Chair is used that should be taken to also mean Town Mayor.
- b In these Standing Orders, & associated Appendices, where the title Vice-Chair is used that should be taken to also mean Deputy Town Mayor.

## **APPENDIX A**

### **CODE OF CONDUCT**

#### **1. INTRODUCTION**

1.1 This Code of Conduct ('Code') has been adopted by Kirton in Lindsey Town Council from the code provided by North Lincolnshire Council as required by Section 27 of the Localism Act 2011 ('Act').

1.2 The Town Council and North Lincolnshire Council have a statutory duty under the Act to promote and maintain high standards of conduct by its Members.

1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following “Nolan” principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

## 2. WHO DOES THIS CODE APPLY TO AND WHEN DOES IT APPLY?

2.1 This Code applies to all Members of the Town Council and to all co-opted Members of any committee, sub-committee or joint committee of the Town Council.

2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Town Council or co-opted Member in the conduct of the Town Council’s business, or acting as a representative of the Town Council, including -

2.2.1 at meetings of the Town Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees;

2.2.2 when acting as a representative of the Town Council;

2.2.3 in discharging their functions as a Ward Councillor or as a member of the Executive;

2.2.4 at briefing meetings with officers; and

2.2.5 at site visits.

2.3 Any allegation received that a Member has failed to comply with this Code will be dealt with under the Arrangements which North Lincolnshire Council have adopted for such purposes.

## 3. WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

3.1 You must treat others with respect and courtesy.

3.2 You must not bully or intimidate any person.

3.3 You must not do anything which may cause the Town Council to breach any equality laws.

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Town Council, or your office as a Member of the Town Council, into disrepute.

3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

3.6 You must act solely in the public interest and not use, or attempt to use, your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.

3.7 You must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Town Council.

3.8 You must only use, or authorise the use of, the Town Council's resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Town Council's procedural and policy requirements.

3.9 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:

3.9.1 you have the consent of the person authorised to give it;

3.9.2 you are required to do so by law;

3.9.3 the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

3.9.4 the disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer at North Lincolnshire Council

#### 4. DISCLOSABLE PECUNIARY INTERESTS ('DPI')

4.1 You have a Disclosable Pecuniary Interest (DPI) in any business of the Council if that interest falls under any of the descriptions at Appendix 1 of this Code.

##### Disclosure Requirement

4.2 You must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify North Lincolnshire's Monitoring Officer of any DPI as defined in Regulations made by the Secretary of State and set out in Appendix 1 of this Code, where the DPI is yours or your partner's (which means spouse or civil partner, a person with whom you are living with as husband or wife or a person with whom you are living with as civil partners). You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPIs.

4.3 You must make verbal declaration of the existence and nature of any DPI at any meeting of the Town Council at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” (see paragraph 4.5), you need only declare the existence of the DPI but not the detail.

4.4 If you are present at a meeting of the Town Council, or any committee, sub-committee, joint committee or joint sub-committee of the Town Council, and you have a DPI in any matter to be considered or being considered at the meeting, unless a dispensation has been granted,

4.4.1 you must not participate in any discussion of the matter at the meeting.

4.4.2 you must not participate in any vote taken on the matter at the meeting.

4.4.3 you must withdraw from the room or chamber whilst the matter is being discussed and voted on.

4.4.4 if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

#### Sensitive Interest

4.5 Where you consider that disclosure of the details of a DPI could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a DPI, the details of which are withheld under Section 32(2) of the Act.

### 5. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

5.1 A Member commits a criminal offence if, without reasonable excuse, you:

5.1.1 fail to notify the Monitoring Officer of any DPI within 28 days of election;

5.1.2 fail to disclose a DPI at a meeting if it is not on the register;

5.1.3 fail to notify the Monitoring Officer within 28 days of a DPI that is not on the register that you have disclosed to a meeting;

5.1.3 participate in any discussion or vote on a matter in which you have a DPI (including taking a decision as an Executive Member acting alone);

5.1.4 as an executive Member discharging a function acting alone, and having a DPI in such a matter, fail to notify the Monitoring Officer within 28 days of the interest; and

5.1.5 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

5.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for a maximum of 5 years.

## 6. PERSONAL INTERESTS

6.1 You have a personal interest in any business of the Town Council where either it relates to or is likely to affect -

6.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Town Council;

6.1.2 any body -

exercising functions of a public nature;

directed to charitable purposes; or

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

6.2 You have a personal interest in any business of the Town Council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or relates to or is likely to affect any interests you have registered as a DPI.

6.3 A relevant person is -

6.3.1 a member of your family or any person with whom you have a close association; or

6.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

6.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

6.3.4 any body of a type described in sub-paragraphs 6.1.1 and 6.1.2.

### Disclosure Requirement

6.4 If you have a personal interest as defined in paragraph 6.1, you must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify the Town Council's Monitoring Officer in writing of such interest. You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your personal interests defined in paragraph 6.1.

6.5 Subject to paragraph 6.6, you must make a verbal declaration of the existence and nature of any personal interest you have under this paragraph, at any meeting of the Town Council at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest" (see paragraph 4.5), you need only declare the existence of the interest but not the detail.

6.6 Where you have a personal interest in any business of the Town Council which relates to or is likely to affect a body defined in paragraphs 6.1.1 and 6.1.2 you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

6.7 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

6.8 Where you have a personal interest in any business of the Town Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### 7. PREJUDICIAL INTERESTS

7.1 Where you have a personal interest in any business of the Town Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories detailed in paragraph 8) and where that business -

7.1.1 affects your financial position or the financial position of a person or body described in paragraph 6.3; or

7.1.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 6.3.

### Disclosure Requirement

7.2 Subject to paragraph 7.3, where you have a prejudicial interest in any business of the Town Council, you must make verbal declaration of the existence and nature of such interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest

becomes apparent and, unless a dispensation has been granted, -

7.2.1 you must not participate in any discussion of the matter at the meeting.

7.2.2 you must not participate in any vote taken on the matter at the meeting.

7.2.3 you must, unless paragraph 7.3 applies, withdraw from the room or chamber whilst the matter is being discussed and voted on.

7.3 Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room or chamber where the meeting is held immediately after making representations, answering questions or giving evidence.

7.4 Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## 8. EXEMPT CATEGORIES

8.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Town Council in respect of -

8.1.1 housing, where you are a tenant of your Local Authority provided that those functions do not relate particularly to your tenancy or lease;

8.1.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

8.1.3 statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

8.1.4 an allowance, payment or indemnity given to Members;

8.1.5 any ceremonial honour given to Members; and

8.1.6 setting council tax or a precept under the Local Government Finance Act 1992.

## 9. OVERVIEW AND SCRUTINY COMMITTEES

9.1 In any business before an overview and scrutiny committee of the Town Council (or of a sub-committee of such a committee) where –

9.1.1 that business relates to a decision made (whether implemented or not) or action taken by an executive or another of the Town Council’s committees, sub committees, joint committees or joint sub-committees; and

9.1.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 9.1.1 and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room or chamber where the meeting is held immediately after making representations, answering questions or giving evidence.

## 10. REGISTER OF INTERESTS

10.1 Any interests notified to the Monitoring Officer will be included in the register of members’ interests. A copy of this register will be available for public inspection and will be published on North Lincolnshire Council’s and Kirton in Lindsey Town Council’s website.

10.2 For the purposes of this Code a DPI is the subject of a ‘pending notification’ where it has been notified to the Monitoring Officer but has not yet been entered in the register of members’ interests in consequence of that notification.

### Appendix 1

A ‘Disclosable Pecuniary Interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<b>Interest</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which

	<p>the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) Under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where - (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either -</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

These descriptions on interests are subject to the following definitions;

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which

the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## APPENDIX B

### **COMMITTEE TERMS OF REFERENCE**

Sections 101 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee, or an Officer of the Authority. Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation where applicable and may only be exercised where sufficient budgetary provision exists or can be varied from within the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to the Officer of the Council (the Clerk).

Committees shall meet within the timetable approved by the Council at its Annual Meeting.

The Minutes of the Committee Meetings shall be presented to the next meeting of Council for adoption.

Committee meetings (except the Personnel Committee) shall be open to the public, although the Committee may resolve to exclude the press and public under S1 Public Bodies (Admission to Meetings) Act 1960 when confidential matters deemed not in the public interest are to be discussed.

All members of the Council shall receive agendas and supporting papers of Council and all Committees by e-mail (hard copies will be provided to those councillors not on email) except where it is not appropriate. *(With the exception of Personnel, where only the members shall receive correspondence and coloured papers will be handed out in person only and returned back to the Clerk).* Members not on a committee will be treated as if they were members of the public in meetings.

Minutes of Committee Meetings shall be taken by the clerk and posted onto the Council website.

### **Standing Committees of the Council**

- Oversee the work of the clerk on the Council's finances including liaison with Internal and External Auditors and any other outside body deemed necessary
- Maintaining a continuous internal control system
- Oversee the administrative affairs of the Council and other establishment matters
- Liaise with the clerk to prepare the Council's Annual Financial Plan for the purpose of a Precept being agreed by Full Council
- Scrutiny of the Annual Return (Statement of Accounts) for the purpose of being agreed by Full Council
- Scrutiny of the year end accounts before presentation to Full Council.
- Receiving & considering the reports of the Internal & External Auditor and monitoring the implementation of approved action plans before presentation to Full Council.
- Consider the Corporate Governance of the Council e.g. Risk Management, Insurance etc.
- Consider and determine the Council's obligations with regard to Government initiatives e.g. Quality Status, Power of Well Being (*now overridden by the Localism Act*), Freedom of Information, Data Protection etc. before presentation to Full Council.
- Discuss policy formulation in respect to finance and develop strategies for the delivery of these policies.
- Discuss policy formulation in respect to finance and develop strategies for the delivery of these policies, Power of Well Being (before presentation to Full Council)
- Consider ways in which the Council can engage with the electorate and public at large e.g. Media, Website, Newsletters and Annual Reports.
- Any other matter which may be delegated to it by the Council from time to time.

**The Committees will refer all matters to the Council for a final decision.**

### **General Purposes (includes finance) & Promoting Kirton Committees**

These Committees shall consist of 7 members of the Council with a **Quorum of 3** and be delegated to make recommendations to the Council as per the remit set by the Council.

## Personnel & Disciplinary Committee

The **Personnel Committee** shall consist of **3 members of the Council** with a **Quorum of 3** and have full delegated powers to make decisions on behalf of the Council in the following disciplinary matters only:

- Hearings for Grievance and Capability matters in accordance with the Council's Grievance and Disciplinary Procedure.
- To deal with all issues relating to Discipline, Grievance and Capability in accordance with the council's Policies and procedure.
- Hearing any complaints in accordance with the Council's Policies for Handling Complaints, Freedom of Information requests, Data protection and Vexatious Policies
- All personnel matters relating to the current Town Clerk except that it is the Chair of the Committee that shall carry out appraisals of the Clerk, as per standing order 19(c).

The Committee will have the power to recommend to full council issues relating to:

- Salaries and pensions (*in association with the Committee dealing with Finance*);
- Conditions of Service;
- Staff levels;
- Consideration of staffing reviews.
- Professional development
- Any other matter which may be delegated to it by the Council from time to time

**The Committee may refer specific matters to the Council for a final decision if it so wishes. *It is vital that the Personnel & Grievance Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings. If an Appeal against a decision is received it must legally, and in the interests of fairness, be heard again by elected members with no prior knowledge of the case. It should be noted that, if an Appeals Committee cannot be constituted from within the remaining council members then advice will be sought as to the appropriate and lawful means by which the matter may be resolved. In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Personnel & Grievance Committees must agree to undertake training in these matters.***