



# Uppingham Town Council

## Standing Orders

Adopted at Annual Council Meeting	15 <sup>th</sup> May 2019
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**Part 1 – How the Council is constituted:**

# Introduction

## **1.1.0 Aim of this document:**

**1.1.1** Standing Orders are designed to give guidance and clarity to officers and members of the council as well as the community it serves about how it operates and conducts itself. It should be easy to understand and follow as well reviewed annually to ensure it remains fit for purpose.

This document shows how decisions are made and the procedures which are followed to ensure the Council operates in an efficient, transparent and accountable manner for the people of Uppingham.

## **1.1.2 How the document is structured:**

**1.1.3** There are two main parts, the first being how the council is constituted and the second covers in detail the framework within which it will operate and how it will conduct itself. The second part reflects predominantly the model standing orders set out by The National Association of Local Councils.

More detailed policies, procedures, protocols and codes of practice are provided separately to further enhance the management and operation of the Council.

## **1.1.4 The Council is committed to:**

- 1.1.5**
- Promoting Equality;
  - Providing effective leadership;
  - Delivering efficient, effective and economical services;
  - Conducting business transparently;
  - Acting responsibly.

## **1.1.6 Decision making:**

**1.1.7** *‘Uppingham Town Council will base its decision making on what is best for the town in the interests of the people of Uppingham.’*

## **1.2.0 The Council and its Councillors:**

**1.2.1** The Council is made up of 15 Councillors elected every four years.

**1.2.2** All Councillors are democratically accountable to residents of Uppingham. The overriding duty of Councillors is to the whole community.

**1.2.3** All Councillors are bound by the Council’s code of conduct to ensure high standards are maintained in the way they undertake their duties.

**1.2.4** All Councillors meet together as the corporate body of the Council.

**1.2.5** Meetings of the Council are open to the public, press and media. At these meetings Councillors deliberate and agree the Council's overall policies and set an annual budget. The full Council is the statutory forum for debating issues concerning Uppingham, determining the Council's finances and making strategic decisions.

**1.2.6** Annually, the Council appoints a Town Mayor to give leadership to the Council and be the public face of Uppingham. A Deputy Mayor is also appointed.

**1.2.7** The Council is responsible for changes to Standing Orders.

### **1.3.0 Councillors and their duties:**

**1.3.1** Before taking up their duties, Councillors must sign a statutory declaration of acceptance of office on being elected to the Council and sign and complete their register of members' interests.

#### **1.3.2 Councillors:**

- when sitting in full Council, collectively make the decisions of the Council;
- represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of, and for, their communities;
- deal with individual casework and act as an advocate for the people of Uppingham in resolving particular concerns or grievances;
- respond to enquiries and representations fairly and impartially;
- be available to represent the Council on other bodies as well as serve on committees; and
- maintain the highest standards of conduct and ethics in accordance with the Code of Conduct.

#### **1.3.3 A Councillor's key tasks:**

- Participate effectively as a member of the Council and any committee, or other body to which he or she has been appointed, acting at all times within the remit of these standing orders;
- promote the Council and the town it represents;
- promote partnership working with other bodies;
- serve on any review body the Council has constituted and to which he or she has been appointed;
- participate in the activities of an outside body to which he or she is appointed, providing two-way communication between the organisations;

- report to the Council as appropriate each year on the activities of any outside body to which he or she is appointed;
- ensure that when attending meetings with third parties at the resolution of full council or standing committee, a brief report of the meeting is submitted to the Clerk at the next available opportunity for circulation to members;
- participate, as appointed, in consultative processes with the community and with other organisations;
- develop and maintain a working knowledge of the Council and the role of the Town Clerk;
- contribute constructively to open government and transparent decision making;
- actively encourage local people to participate generally in the government of the area.
- use any delegated power solely within the confines of the resolution giving those powers.

## **1.4.0 The Council**

### **1.4.1 Only full Council can exercise the following functions:**

- adopt and change standing orders;
- adopt strategies and policies;
- approve and adopt the annual budget;
- make an annual precept;
- agree terms of reference for any committees;
- appoint to committees with the exception of the Neighbourhood Plan Committee which gathers members from the broader community and also elects its Deputy;
- appoint representatives to outside bodies (unless delegated by the Council);
- appoint a Town Clerk unless such power has been delegated to a group set up with the purpose of making such an appointment;
- promote byelaws;
- elect the Town Mayor;
- elect the Deputy Mayor;
- and all other matters, which by law, must be reserved to the Council.

### **1.4.2 There are three types of Council meeting:**

- the annual council meeting;
- ordinary meetings;
- extraordinary meetings.

### **1.4.3 The Council and its committees meet throughout the year determined at the Annual Council Meeting.**

#### **Standing Committees:**

- Planning monthly or as and when required

- Amenities monthly or as and when required
- Finance & General Purposes quarterly or as and when required

**Advisory Committees:**

- Staffing quarterly or as and when required
- Neighbourhood Planning as and when required

**1.4.4** Quorum – a quorum shall consist of a minimum 5 members for ordinary council meetings.

**1.5.0 Town Mayor**

**1.5.1** The Council has a Town Mayor, who is elected annually at the Annual Meeting. The main duty of the Mayor is to preside over principal meetings of the Council.

**1.5.2** The role of the Mayor is to undertake Uppingham Town Council’s civic and ceremonial duties in a dignified manner so as to uphold and enhance the status of the town and engender civic pride. The role has three main aims:

- As a symbol of authority;
- Act as ambassador for the town;
- An expression of Social Cohesion.

**1.5.3** The Mayor (as first citizen) is entitled to the right of precedence within the town and should be accorded the respect due to the office.

**1.5.4** For the purposes of these standing orders the Town Mayor is the Chairman of the Council and has the same rights and duties as a local council Chairman.

**1.5.5** The Council’s civic regalia shall be worn as appropriate and when not in use should be stored safely.

**1.5.6** The Mayor sits on all standing committees ex-officio with the exception of Staffing Committee – in addition to specified members (1.7.0) in these standing orders.

**1.5.7** In the absence of The Mayor, the Deputy Mayor will act in accordance with the points above in 1.5.0 to 1.5.6

**1.6.0 Town Clerk (Clerk to the Council)**

**1.6.1** The Council has a Town Clerk to provide advice, implement decisions, and manage the day-to day running of the Council and the delivery of its services.

**1.6.2** The Town Clerk is the Proper Officer of the Council delegated to discharge any functions of the Council provided for under statute (See also, Section 2 para15).

**1.6.3** The Town Clerk is also the Responsible Financial Officer for discharging the Council’s responsibilities under section 151 of the Local Government Act 1972. The Clerk’s



financial role is to ensure the proper administration of the Council's finances (See also, Section 2 paragraph 16).

**1.6.4** The Town Clerk is responsible for the day to day management of the Council's staff.

**1.6.5** Documents pertaining to legal procedures or proceedings of the Council shall be signed by the Town Clerk or other person authorised by the Council.

## **1.7.0 The Council's Standing & Advisory Committees**

### *Committee membership*

**1.7.1** Each committee shall consist of a minimum number of members and these will be elected at the Annual Council Meeting or Committee where appropriate:

- Planning – 5 members
- Amenities – 5 members
- Finance & General Purposes – 5 members
- Staffing – 5 members with the Mayor being excluded from sitting on this committee in order that they arbitrate in any dispute between the Council and its employees
- Neighbourhood Planning – maximum 5 Council representatives co-opted plus external representatives co-opted.

**1.7.2** Other councillors may be co-opted or attend as observers. If invited, such members may speak but not vote and must leave the meeting for confidential items.

**1.7.3** At the Annual Council Meeting a Chair and Deputy Chair will be appointed with the exception of the Neighbourhood Planning Advisory Committee (see terms of reference 1.12.0).

### *Meetings*

**1.7.4** The Council will agree a year's meeting dates for each committee at its annual meeting in May. It may ask committees to meet at additional times and committees may also determine to meet at other times.

**1.7.5** Committees will normally meet between Council meetings.

### *Quorum*

**1.7.6** A quorum shall consist of the following number of members at the Committee:

- Planning – 4 members
- Amenities – 4 members
- Finance & General Purposes – 4 members
- Staffing – 4 members
- Neighbourhood Planning – 5 members including any external representatives co-opted and of these 5 at least 3 should be Council members.

## **Terms of Reference for Standing & Advisory Committees**

### **1.8.0 Planning Committee**

#### **1.8.1 Purpose of the Committee:**

The purpose of the Planning Committee is to debate issues in detail concerning planning and planning applications and to make observations to the Planning Authority in accordance with planning guidelines on behalf of the Council, which is a statutory consultee.

#### **1.8.2 Powers:**

The Committee has **delegated authority** to consider and comment on planning applications and make recommendations to Council about highways matters.

#### **1.8.3 Frequency of meetings:**

The Committee shall meet as appropriate to Planning Authority timescales, monthly or as and when required.

#### **1.8.4 Specific brief to:**

- consider planning applications and make observations to the Planning Authority;
- convene a public meeting if it is felt that a planning application warrants such action and report findings to the Council and Planning Authority;
- appoint representatives or the Proper Officer to attend Planning Authority meetings and authorise them to speak on behalf of the Town Council;
- appoint representatives or the Proper Officer to attend Planning Enquiries and authorise them to speak on behalf of the Town Council;
- consider and make recommendations to Council on highway matters;
- ensure when requested to do so by members or the proper officer that meetings with third parties have a clear and transparent agenda and recorded outputs shared at the next available opportunity with committee and full council.

### **1.9.0 Amenities Committee**

#### **1.9.1 Purpose of the Committee:**

The purpose of the committee is to debate issues, determine decisions and make recommendations to Council in respect of issues within the remit of this Committee.

To consider and recommend policies which have a bearing on social cohesion and environmental wellbeing.

To consider the functions and services provided by the Council in relation to: the cemetery, parks, gardens and open spaces, amenity areas, play areas and community facilities and toilets for example. Making recommendations to Council for any variations, improvements or alterations and develop policies which have a bearing on social cohesion and environmental wellbeing.

### **1.9.2 Powers:**

To oversee the finance allocated to the Committee, for which it has **delegated powers** to make decisions and spend within the budget headings allocated to the Committee by the Council. Any virement applications must be referred to Finance & General Purposes Committee or to full Council.

### **1.9.3 Frequency of meetings:**

Monthly or as and when required.

### **1.9.4 Specific brief to:**

- consider and recommend to Council any improvements variations, improvements or alterations to the Council leisure and recreation facilities;
- monitor and enact changes to the grounds maintenance contract within existing budgetary constraints;
- review the use of the Council's leisure and recreational facilities;
- to oversee progress on any leisure or recreational projects;
- consider projects and associated costs;
- liaise with any appropriate external bodies and agencies;
- oversee the Christmas Lights installation as well as heritage and cultural initiatives;
- annually inspect the Council's leisure and recreation facilities;
- oversee the maintenance and development of the Town Hall, property and land;
- ensure when requested to do so by members or the proper officer that meetings with third parties have a clear and transparent agenda and recorded outputs shared at the next available opportunity with committee and full council.

## **1.10.0 Finance & General Purposes Committee**

### **1.10.1 Purpose of the Committee:**

The purpose of the Finance and General Purposes Committee is to debate issues of Strategy and Policy in detail and to formulate recommendations to the Council.

The Committee's strategic role will be to formulate strategies for the Council to consider adopting. Maintain oversight of Council approved long term plans. Draft for Council approval policies and procedures for the good governance of the Council and its town.

### **1.10.2 Powers:**

The Committee will also maintain oversight over the Council's finances. It has **delegated authority** to spend within its allocated budget. This will include making decisions on budgeted finance and recommend to Council any proposals which are outside the approved budget and require either grant aiding or the use of financial reserves. Consider and recommend to Full Council any virements proposed by other committees.

#### **1.10.2 Frequency of meetings:**

Quarterly or as and when required.

#### **1.10.3 Specific brief to:**

- consider draft strategic documents for Council approval;
- consider policies and procedures for Council approval;
- consider projects, their associated costs and funding sources;
- annually review financial regulations and recommend to Council any changes;
- oversee internal audit, consider any weaknesses identified and recommend appropriate actions;
- use its delegated authority to spend within the budget allocated to the committee subject to the overall budget adopted by the Council;
- oversee the preparation of a medium term financial plan;
- Prepare draft budgets for the following financial year and recommend to Council accordingly;
- maintain oversight of the income and expenditure against the current financial year's budget;
- approve applications for virement either from other committees or the Council's Responsible Financial Officer.
- consider and recommend to Council applications for expenditure from other committees which are outside their current budgets;
- to recommend to Members appropriate Councillor training;
- ensure appropriate health and safety policies are in place to mitigate risk;
- to provide oversight and manage the Council's risk approach;
- ensure when requested to do so by members or the proper officer that meetings with third parties have a clear and transparent agenda and recorded outputs shared at the next available opportunity with committee and full council.

### **1.11.0 Staffing Committee**

#### **1.11.1 Purpose of the Committee:**

The purpose of the committee is to debate issues and recommend to Council matters relating to employment and personnel.

#### **1.11.2 Powers:**

The committee has **no delegated powers** and all decisions and recommendations should be referred to Full Council at the next or most appropriate opportunity. .

Any virement applications must be referred to Finance & General Purposes Committee or to full Council.

#### **1.11.3 Frequency of meetings:**

Quarterly or as and when required.

#### **1.11.4 Specific brief to:**

- overseeing all matters relating to the employment of staff and making recommendations to Council thereon;
- recommending to Council matters regarding conditions of employment;
- reviewing, job descriptions, contracts, salary awards and staffing allocations, making recommendations to Council as appropriate;
- convening investigatory committees to examine disciplinary matters, reporting outcomes to full Council;
- monitor Health & Safety regulations, policy and procedures;
- monitor and review the Council's personnel policies and make recommendations to Council;
- advise Council on the continuous professional development of staff, in consultation with the Town Clerk to include the Clerk also;
- recommend to Council any staff training requirements;
- ensure when requested to do so by members or the proper officer that meetings with third parties have a clear and transparent agenda and recorded outputs shared at the next available opportunity with committee and full council.

**1.11.5** The Mayor to be excluded from the Staffing Committee membership to ensure there is a means of undertaking a without prejudice review of any personal disputes between the Council and any of its employees.

### **1.12.0 Neighbourhood Planning Advisory Group**

#### **1.12.1 Purpose of the Committee:**

The purpose of the committee is to advise Full Council on the refreshing of the Neighbourhood Plan with the full involvement of the community and other interested parties.

#### **1.12.2 Powers:**

This is an advisory committee of Uppingham Town Council who are the governing body for the Uppingham Neighbourhood Plan. All decisions, recommendations and expenditure should be referred to full council.

#### **1.12.3 Frequency of meetings:**

Quarterly meetings to be pre-published for the year ahead with the option to meet as and when required.

**1.12.4** The Chair to be appointed at the Annual Council Meeting following nominations received in advance of the meeting. The Deputy Chair to be appointed at the first meeting of the advisory committee following the Annual Council Meeting. The position of Chair and Deputy Chair should not be held at the same time by directors/members of the same or associated community organisations or the governing body.

**1.12.5 Specific brief:**

- adhere to the Code of Conduct contained in these Standing Orders
- to set timescale for process which will be ratified by full council;
- to meet at regular intervals to meet potential changes and requests
- to report to Uppingham Town Council and to follow governance approach set out for the council by the Proper Officer;
- consider and make recommendations to Council on future planning options for Uppingham;
- to engage as many of the community and key stakeholders as possible in the process, by encouraging participation and the submission of views and ideas
- to produce a plan that is compliant with current Neighbourhood Planning legislation and with Rutland County Council's Local Plan
- to consult with and use expertise of professional planners as needed or offered – Rutland County Council or third party consultants.
- to assess existing evidence as well as gather fresh evidence about the needs and aspirations of the community;
- to keep Rutland County Council Planning Department informed of progress;
- to liaise as appropriate with neighbouring councils (parish, borough and county);
- to liaise with central government about new initiatives potentially shaping future content and revisions of the plan;
- to appoint representatives or the Proper Officer to attend Planning Authority meetings and authorise them to speak on behalf of the Town Council;
- to appoint representatives or the Proper Officer to attend Planning Enquiries and authorise them to speak on behalf of the Town Council;
- ensure when requested to do so by members or the proper officer that meetings with third parties have a clear and transparent agenda and recorded outputs shared at the next available opportunity with committee and full council.

**1.12.6 Members of the Committee are drawn from the community and Uppingham Town Council with no more than two representatives from each recognised community forum outside of the Council.**

Organisations are invited to confirm their nominated representatives and if desired, deputies with the Council. Those nominated should then (with assistance from the Town Council) complete and declare their pecuniary interests with the Monitoring Officer at Rutland County Council. To be able to vote at the advisory committee/group, members will have to submit their registration before attending a meeting. Any deputies who have not undertaken a declaration will not be able to vote on matters conducted at the meetings.

Examples of community forums that should be included are:

*Residents' Associations*

- *Beeches Residents Association*
- *Limes, Firs & Spurs Residents Association*

*Schools*

- *Uppingham School*
- *Uppingham Community College*
- *Leighfield Primary School*

- *Uppingham C of E*
- Churches Together*
- *St. Peter's & St. Paul's*
  - *Uppingham Methodist Church*

*Youth Organisations*

- *Scouts / Cubs*
- *Brownies / Girl Guides*

*Others*

- *Uppingham First Ltd*
- *The Uppingham Partnership*
- *Uppingham Neighbourhood Forum*
- *Uppingham Business Forum*
- *Engage with Rutland County Council about attendance from a representative.*
- *Sports Clubs*

*In exceptional circumstances the Town Council may also authorise membership of the committee by an individual who is not representing any group, where that individual is judged to have specific skills of value to the committee.*

## **Part 2 – How the Council is governed (Standing Orders):**

**The Chairman shall be the Town Mayor, their Deputy or Councillor elected on the night due to the absence of the aforementioned, when presiding over the Council meeting.**

**The Chairman shall be the Chairman or Deputy Chairman elected by the Committee or Councillor elected on the night due to the absence of the aforementioned, when presiding over a Council Committee meeting.**

### **2.1.0 The Rules of debate at meetings:**

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

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

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

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

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

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

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

**2.1.8** A councillor may move an amendment to his own motion if agreed by the meeting. If



a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

- 2.1.9** If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- 2.1.10** Subject to standing order 2.1.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 2.1.11** One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 2.1.12** A councillor may not move more than one amendment to an original or substantive motion.
- 2.1.13** The mover of an amendment has no right of reply at the end of debate on it.
- 2.1.14** Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 2.1.15** Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- 2.1.16** During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- 2.1.17** A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 2.1.18** When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

- 2.1.19** Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- 2.1.20** Excluding motions moved under standing order 2.1.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed four minutes without the consent of the chairman of the meeting.

## **2.2.0 Disorderly conduct at meetings:**

- 2.2.1** All Members must observe the current Code of Conduct, a copy of which is annexed to these Standing Orders.
- 2.2.2** No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 2.2.3** If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 2.2.4** If a resolution made under standing order 2.2.3 above is ignored, the chairman 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.
- 2.2.5** These rules apply to all committees, sub-committees and any other groups set up by the Council.

## **2.3.0 Meetings generally:**

Meetings of the Full Council will normally be held on the first Wednesday in the month in the Council Chamber, The Town Hall, Uppingham. Meetings will start at 7.30pm unless advised otherwise in the Agenda. Meetings of the Committees will normally take place two weeks after Full Council each month. Meetings of the Planning Committee may vary subject to meeting the timescales of Rutland County Council planning deadlines and the volume of applications.

### **Key to implications for each type of Council meeting:**

*(Full Council – FC, Committees – C and Sub-Committees – SC)*

	FC	C	SC
<b>2.3.1</b> 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>2.3.2</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.	✓	✓	

<b>2.3.3</b>	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.	✓	✓	
<b>2.3.4</b>	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.	✓	✓	✓
<b>2.3.5</b>	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. This is at the discretion of the Chair taking into account the time allocated and guidelines below.	✓	✓	✓
<b>2.3.6</b>	The period of time designated for public participation at a Full Council meeting or Committee or Sub-Committee meeting is in accordance with standing order 2.3.5 above, shall not exceed fifteen minutes unless directed by the chairman of the meeting – this allocated time is to be known as the 'Democratic 15 Minutes'.	✓	✓	✓
<b>2.3.7</b>	Members of the public may make a statement for or against a planning application that is being considered at either Planning Committee or Full Council. This statement may last no longer than three minutes in duration. This intention to make a statement has to be notified to The Clerk to the Council two hours prior to the meeting start at the latest by email or in writing. There is one opportunity to speak for an application and one against. These will be allocated on a 'first come, first served' basis by The Clerk to the Council. The time of receipt of the email or letter will determine if the application is first to be received.	✓	✓	
<b>2.3.8</b>	Subject to standing order 2.3.6 a member of the public shall not speak for more than five minutes during the 'Democratic 15 Minutes'. The limit for the opportunity to speak for or against a planning application is three minutes as above in 2.3.7. If there is only a small number of members of the public wishing to speak the Chairman may use his discretion on the time to allotted to the person(s).	✓	✓	✓
<b>2.3.9</b>	In accordance with standing order 2.3.5 above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.	✓	✓	✓
<b>2.3.10</b>	A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.	✓	✓	✓
<b>2.3.11</b>	A person who speaks at a meeting shall direct his comments to the chairman of the meeting.	✓	✓	✓

<b>2.3.12</b>	Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.	✓	✓	✓
<b>2.3.13</b>	Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted without the Council's prior written consent.	✓	✓	✓
<b>2.3.14</b>	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.	✓	✓	✓
<b>2.3.15</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 any).	✓	✓	✓
<b>2.3.16</b>	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) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.	✓	✓	✓
<b>2.3.17</b>	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.	✓	✓	✓
<b>2.3.18</b>	The chairman 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 his casting vote whether or not he gave an original vote.	✓	✓	✓
	<i>See standing orders 2.5.8 and 2.5.9 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.</i>			
<b>2.3.19</b>	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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.	✓	✓	✓
<b>2.3.20</b>	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 the resolutions made.

- |               |  |   |   |   |
|---------------|--|---|---|---|
| <b>2.3.21</b> | 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 his right to participate and vote on that matter. | ✓ | ✓ | ✓ |
| <b>2.3.22</b> | No business may be transacted at a meeting unless at least five members of the council are present.  | ✓ | ✓ |   |
|               | <i>See 1.7.6 for the quorum of a committee or sub-committee meeting.</i>   |   |   |   |
| <b>2.3.23</b> | If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.  | ✓ | ✓ | ✓ |
| <b>2.3.24</b> | A meeting shall not exceed a period of two hours, unless the majority of members present vote for the meeting to continue for a limited time. If no motion is agreed, the meeting shall adjourn immediately. The remaining business on the agenda shall be adjourned to another meeting.                                       | ✓ | ✓ |   |

## **2.4.0 Committees and sub-committees:**

- 2.4.1** Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 2.4.2** The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- 2.4.3** Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- 2.4.4** 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 2.4.2 and 2.4.3, appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 2.4.2 and 2.4.3, 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 three days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, or the Neighbourhood

- Planning Advisory Committee, to appoint its own chairman 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;
  - 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 may dissolve a committee or a sub-committee.

## **2.5.0 Ordinary council meetings:**

- 2.5.1** In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- 2.5.2** In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- 2.5.3** If no other time is fixed, the annual meeting of the council shall take place at 7.00pm.
- 2.5.4** In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- 2.5.5** The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.
- 2.5.6** 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.
- 2.5.7** The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- 2.5.8** 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.
- 2.5.9** 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 a casting vote in the case of an equality of votes.
- 2.5.10** Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
  - i. In an election year, delivery by the Chairman 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 Chairman of the Council of his 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;
- viii. Appointment of any new committees in accordance with standing order 2.4.0;
- 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 2.11.0, 2.20.0 and 2.21.0*);
- 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.

## **2.6.0 Extraordinary meetings of the council and committees and sub-committees:**

**2.6.1** The Chairman of the Council may convene an extraordinary meeting of the council at any time.

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

**2.6.3** The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

**2.6.4** If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any three members of the committee and



the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

## **2.7.0 Previous resolutions:**

**2.7.1** A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least eight councillors to be given to the Proper Officer in accordance with standing order 2.9.0 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

**2.7.2** When a motion moved pursuant to standing order 2.7.1 above has been disposed of, no similar motion may be moved within a further six months.

## **2.8.0 Voting on appointments:**

**2.8.1** 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 chairman of the meeting.

## **2.9.0 Motions for a meeting that require written notice to be given to the Proper Officer:**

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

**2.9.2** No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

**2.9.3** The Proper Officer may, before including a motion on the agenda received in accordance with standing order 2.9.1 above, correct obvious grammatical or typographical errors in the wording of the motion.

**2.9.4** If the Proper Officer considers the wording of a motion received in accordance with standing order 2.9.2 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear days before the meeting.

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

**2.9.6** If the Proper Officer deems it appropriate to support a motion with an additional paper using the Council's current template, he/she will make this known to the member within 24 hours of the motion being received. The member may seek this view as early as possible



to allow time to meet the deadlines in 2.9.2. Factors the Proper Officer will consider include the powers available, potential costs and whether any material risks may result from taking action or otherwise. If the supporting paper is not deemed to help members understand the motion the Proper Officer may withdraw it from the agenda.

**2.9.7** Subject to standing order 2.9.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

**2.9.8** Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.

**2.9.9** Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **2.10.0 Motions at a meeting that do not require written notice:**

**2.10.1** The following motions 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 a motion;
- iv. to refer a motion 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 or sub-committee 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 sensitive 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 requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

## **2.11.0 Management of Information:**

*See also 2.20.0*

**2.11.1** 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.

**2.11.2** 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).

**2.11.3** 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.

**2.11.4** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

### **2.12.0 Draft minutes:**

**2.12.1** 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.

**2.12.2** 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 2.10.1.i above.

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

**2.12.4** If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

*“The chairman of this meeting does not believe that the minutes of the meeting of the [insert name of meeting] held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*

**2.12.5** Upon 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.

### **2.13.0 Code of conduct and dispensations:**

*See also standing order 2.3.20 above.*

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

**2.13.2** Unless he 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 he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

**2.13.3** Unless he 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 he has

another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

**2.13.4** 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.

**2.13.5** A decision as to whether to grant a dispensation shall be made by the Proper Officer in the first instance, or alternatively by a meeting of the Council, committee or sub-committee for which the dispensation is required and that decision is final.

**2.13.6** 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.

**2.13.7** Subject to standing orders 2.13.4 and 2.13.6 above, dispensations requests shall be considered by the appropriate person in respect of 2.13.8 below before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

The appropriate person is:

- i. The Proper Officer in respect of decisions required for 2.13.8.i below and in the absence of the Proper Officer, the delegation will be to the Monitoring Officer or Deputy at Rutland County Council.

**2.13.8** A dispensation may be granted in accordance with standing order 2.13.5 above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the council's area or
- iii. it is otherwise appropriate to grant a dispensation.

## **2.14.0 Code of conduct and complaints:**

**2.14.1** Upon notification by the District 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 2.11.0 above, report this to the council.

**2.14.2** Where the notification in standing order 2.14.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman 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 2.14.4 below.

**2.14.3** The council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

**2.14.4** 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.

**2.15.0 Proper Officer:**

**2.15.1** 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.

**2.15.2** 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 2.3.2 for the meaning of clear days for a meeting of a full council and standing order 2.3.3 for the meaning of clear days for a meeting of a committee;*
- ii. subject to standing order 2.9.0, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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 2.23.0*);
  - 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 in a book for such purpose;
  - xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if there is one) of the Planning 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 Planning committee;
  - xvi. manage access to information about the Council via the publication scheme; and
  - xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(*see also 2.23.0*).

## **2.16.0 Responsible Financial Officer:**

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

## **2.17.0 Accounts and accounting statements:**

- 2.17.1** "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- 2.17.2** All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- 2.17.3** 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;
  - iv. and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 2.17.4** 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.

**2.17.5** 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.

## **2.18.0 Financial controls and procurement:**

**2.18.1** 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.

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

**2.18.3** 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 2.18.6 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.

**2.18.4** 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.

**2.18.5** Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

**2.18.6** 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.

**2.18.7** 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.

## **2.19.0 Handling staff matters:**

**2.19.1** A matter personal to a member of staff that is being considered by a meeting of council or any council committee or sub-committee is subject to standing order 2.11.0 above.

**2.19.2** Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of Council or, if he is not available, the vice-chairman of the council of absence occasioned by illness or other reason and that person shall report such absence to the Staffing committee at its next meeting.

**2.19.3** The chairman of the Staffing committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing committee.

**2.19.4** Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman of the Council or the chairman of the Staffing committee or in his absence, the vice-chairman of the Staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee.

**2.19.5** Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the chairman or vice-chairman of the Council or the Chairman of Staffing, this shall be communicated to another member of the Staffing committee, which shall be reported back and progressed by resolution of the Staffing committee.



- 2.19.6** Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 2.19.7** In accordance with standing order 2.11.1, persons with line management responsibilities shall have access to staff records referred to in standing order 2.19.6.
- 2.19.8** The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- 2.19.9** Only persons with line management responsibilities shall have access to staff records referred to in standing orders 2.19.6 and 2.19.7 above if so justified.
- 2.19.10** Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 2.19.6 and 2.19.7 above shall be provided only to the Town Clerk and/or the Chairman of the Council.

## **2.20.0 Responsibilities to Provide Information:**

*See also standing order 2.21.0*

- 2.20.1** 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.
- 2.20.2** The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

## **2.21.0 Responsibilities Under Data Protection Legislation:**

*See also standing order 2.11.0*

- 2.21.1** The Council shall appoint a Data Protection Officer.
- 2.21.2** The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 2.21.3** The Council shall have a written policy in place for responding to and managing a personal data breach.
- 2.21.4** 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.
- 2.21.5** 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.
- 2.21.6** The Council shall maintain a written record of its processing activities.

## **2.22.0 Relations with the press and media:**



**2.22.1** 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 Communications Policy in respect of dealing with the press and/or other media. (Appendix D)

**2.23.0 Execution and sealing of legal deeds:**

*See also standing orders 2.15.2 (xii) and (xix) above.*

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

**2.23.2** Subject to standing order 2.23.1 above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

**2.24.0 Communicating with District and County or Unitary councillors:**

**2.24.1** An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the council.

**2.24.2** Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

**2.25.0 Restrictions on councillor activity:**

**2.25.1** Unless authorised by a resolution, 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.

**2.26.0 Standing orders generally:**

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

**2.26.2** A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 2.9.0 and all its sections therein.

**2.26.3** The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.

**2.26.4** The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

### **2.27.0 Call in of decisions:**

**2.27.1** All decisions made at committee meetings with delegated powers shall be sent by email or posted by first class mail to councillors by 4:00pm the day following the committee meeting.

Any such decision may be referred to Full Council if at least five members request this in writing by post or email. Any such request must be lodged with the Proper Officer by 3:45pm on the Monday following the committee meeting.

### **2.28.0 Authority given to the Proper Officer:**

**2.28.1** The Council delegates to the Proper Officer the power, in an urgent situation, to act on behalf of the Council and to make decisions in the best interests of the Council and the people of Uppingham.

Any action taken by the Proper Officer under this standing order is to be notified to the appropriate committee or the Council as soon as practicable.

### **2.29.0 Recording, photography and use of social media in Council meetings:**

**2.29.1** The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. These regulations allow any member of the public who wishes to film, audio-record, take photographs and use social media such as tweeting and blogging, to report the proceedings of any meeting that is open to the public.

Uppingham Town Council is committed to being open and transparent in the way it conducts its main decision-making meetings and has therefore developed a protocol to assist its citizens in this activity.

#### **2.29.2 Recording of Proceedings:**

**Access** - To facilitate access to Council meetings, a designated area for those wishing to record proceedings will be clearly sign-posted. This area will provide an unfettered view of the meeting. Although there is no requirement to notify the Council in advance of the intention to record a meeting, we respectfully ask those who are wishing to bring large equipment to a meeting to contact us in advance so that necessary arrangements can be made to accommodate this. Please email [townclerk@uppinghamtowncouncil.co.uk](mailto:townclerk@uppinghamtowncouncil.co.uk) to confirm what arrangements are needed for access.

**Open Meetings** - Access to record proceedings is only available to meetings, which are open to the public. In limited defined circumstances, for example when confidential or exempt items are discussed, some meetings may need to be held in private or move to a private session during the meeting. In these cases, recording will not be permitted as the public will be excluded for the relevant part of the meeting.

**Commentary** - Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. Oral commentary is not permitted during a meeting as this would be disruptive to the good order to the meeting.

Although the Council supports the principles of freedom of speech, this should be exercised with personal and social responsibility and be operated within the law. The Council requests those participating not to edit recordings, film or photographs in any way that could lead to misinterpretation of the proceedings. This includes refraining from editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, filmed or recorded.

**Webcam or webcasts** - There is no legal requirements for councils to webcast, but where councils webcast any of their public meetings as a matter of good practice, the public will be notified.

**Private or closed sessions** - Filming or audio recording is not allowed during private meetings or private sessions. All recording equipment must be removed during these sessions/meetings.

**Disruptions** - Anyone wishing to record a meeting who acts in a disruptive manner may be at risk of expulsion. Examples where this may be considered are:

- Moving outside the areas designated for recording without the consent of the Chairman
- Excessive noise in recording or setting up or re-siting equipment during the debate/discussion
- Intrusive lighting and use of flash photography
- Asking for people to repeat statements for the purpose of recording

**Impact on meeting attendees** - It is important that members of the public, who are seated in the separate public area, are not photographed/filmed/recorded without their consent.

However, if a member of the public asks a question, presents a petition or makes a representation, then they are likely to be filmed and are deemed to have given their consent in these circumstances.

All meeting Agendas, which are published on the Council's website in advance of a public meeting, will include a paragraph on the possibility of a meeting being recorded and the Chairman will make an announcement to this effect at the opening of the meeting.

**Consideration of members of the public gallery** - If members of the public object to be filmed, they should seat themselves to the rear of the Designated Filming Area. We would ask that the person recording and those objecting reach a mutually suitable arrangement and that the proceedings aren't disrupted.

# **Appendix to Standing Orders of Uppingham Town Council: Code of Conduct**

# UPPINGHAM TOWN COUNCIL



## CODE OF CONDUCT

New Draft dated 25<sup>th</sup> October 2015 (Previously adopted 4<sup>th</sup> July 2012 (64/12))

### Introduction

Pursuant to section 27 of the Localism Act 2011, Uppingham Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. (See Appendix C for a fuller explanation)

### Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

### Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way, which a reasonable person would regard as bullying or intimidation.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.

4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### ***Registration of interests***

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B. These should include interests for their spouse, civil partner or co-habitee as if their interests are yours. The register of interests does not distinguish between a councillor's interests and those that are held by your partner.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it. This applies also to changes for their spouse, civil partner and co-habitee.
9. A member need only declare the existence but not the details of any interest, which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one, which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### ***Declaration of interests at meetings***

10. Where a matter arises at a meeting, which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting, which relates to an interest in Appendix, A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest, which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting, which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she should declare the interest but not the nature of the interest.
  
14. Where a matter arises at a meeting, which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

**Appendix A** - Interests described in the table below.

<i>Subject</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992</a> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —  (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—  (a) the landlord is the Council; and  (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where —  (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and  (b) either—  (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



\*'director' includes a member of the committee of management of an industrial and provident society.

\*\*'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.

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## **Appendix B**

An interest which relates to or is likely to affect:

- (i) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
  
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
  
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

## **Appendix C - Code of Conduct for Uppingham Town Council Councillors**

*This Code applies to all Councillors when they act in their role as Councillors of Uppingham Town Council. This Code is a requirement of the Localism Act 2011 and forms part of the Standing Orders of Uppingham Town Council which all Councillors will follow. This code is based on the seven Nolan<sup>1</sup> principles of public life:*

### **1.0 Introduction**

As a Councillor you are a representative of the Council, and the public and other stakeholders will form a view of Uppingham Town Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

### **2.0 Selflessness**

As a public figure, your public role as a Councillor may overlap with your personal or professional life and interests. However, as a Councillor you will serve only the public interest and will never improperly confer an advantage or disadvantage on any person. At all times you will act in accordance with the trust that the public is entitled to place in you.

### **3.0 Integrity and honesty**

As a councillor you will be truthful. You will consider your actions carefully to avoid placing yourself in situations where your honesty and integrity may be questioned and will on all occasions avoid improper behaviour or the appearance of improper behaviour.

### **4.0 Objectivity (in decision making)**

You will make decisions on merit, using the best evidence and without discrimination or bias, including when making appointments, awarding contracts or recommending individuals for rewards or benefits. You must approach decisions with an open mind and listen to the views of others and assess the information presented at the decision making meeting. You must then reach your own conclusions on issues and act accordingly. Failure to do so may expose the decision to challenge on the basis of pre-determination.

### **5.0 Accountability**

Everything Uppingham Town Council does must be able to stand the test of scrutiny by the public, the media, other stakeholders, and the courts. You are accountable to the public for your actions and the manner in which you carry your responsibilities, and will co-operate fully and honestly with any scrutiny appropriate to your particular office.

### **6.0 Openness**

Uppingham Town Council strives to maintain an atmosphere of openness throughout the organisation to promote confidence of the public, stakeholders, staff and regulators. You will be as open as possible about your actions and those of the council, and should be prepared to give reasons for those actions. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

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<sup>1</sup> The Committee on Standards in Public Life (the Nolan Committee) recommended in 1996 seven principles of conduct that should underpin the work of public authorities.

You will review your Register of Interests (including Disclosable Pecuniary Interests as required by the Localism Act and related regulations) at least annually to ensure ongoing accuracy

You need to consider carefully your position before participating in any decisions or activity, especially those relating to regulatory activities such as planning or licensing. Where the decision or activity is so closely tied to your personal or professional life that your ability to make an impartial decision may be called into question you must consider whether you need to declare, at any relevant meeting, any new Disclosable Pecuniary Interests (DPI) or other conflict of interest or circumstance. These will be added to your Register of Interests as soon as possible after the meeting.

The law says that if you have a DPI you must **not** become involved in the discussions nor must you vote in relation to such matters. If you have other interests in the matter you should also consider if it is appropriate for you to take part in the discussions or debate. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

You must declare any gifts or hospitality valued over £50 (on one occasion or from the same donor within one year) given in respect of your role as a Councillor in your Register of Interests.

#### **7.0 Leadership**

You will promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence and avoids bringing your role or the council into disrepute. You will actively promote and robustly support this code and be willing to challenge poor behaviour wherever it occurs.

#### **8.0 Other obligations**

In addition to the above principles, you will:

- a) strive to establish respectful and courteous relationships with everyone you come into contact with as Councillors. You will also respect the political impartiality and professional role(s) of the council's statutory officers and its other employees.
- b) uphold the law in relation to the policies of the council and its legal obligations
- c) not disclose or use confidential information for any purpose other than that provided for by the law.
- d) use those particular council resources provided for the undertaking of council duties in accordance with council policies or constitution and not for any other purposes.

#### **9.0 Training**

Participation in training and development activities is not a legal requirement to be a Councillor. However this council expects that you will participate, in induction and other training and development activities in relation to standards matters.

#### **10.0 Summary**

This code is intended to provide a guide and protection for councillors in carrying out their duties. However, a breach of any part of this code may result in a complaint being made. A complaint will be assessed according to the arrangements outlined in the Council's Constitution.

## Appendix D

### **UPPINGHAM TOWN COUNCIL COMMUNICATIONS POLICY**

**Amended and adopted by Council on 29<sup>th</sup> January 2015.**

#### **The Policy**

Uppingham Town Council is committed to high quality communication with the community of Uppingham, including listening and consultation as appropriate.

#### **Implementation**

It will implement this policy by following the implementation schedule, which outlines the communication methodology of the council

#### **Policy Review**

The policy to be reviewed at least once during the lifetime of each council, with the operating schedule being considered at least annually, or more frequently as necessary both in terms of its implementation and suitability

#### **Implementation Schedule**

Uppingham Town Council will implement their communications policy through the following strategies:

1. The maintenance of an informative, up to date, accurate and interactive website
2. The production, and delivery to all households, of a minimum of three written communications per year
3. The maintenance of a minimum of two up to date notice boards strategically located
4. To hold public meetings or one to one “surgeries” as required
5. The publication of a summary of Town Council meeting outcomes, as appropriate, following each full meeting of the Town Council in the local press and Town Council web site
6. The provision of an opportunity for the public to speak (given appropriate notice) during the “democratic fifteen minutes” of Town Council meetings in accordance with the council’s Standing Orders
7. Official communications with the press representing the Town Council are restricted to the Mayor, Deputy Mayor and approved Press Officer (who may be the Clerk) or to other town councillors specifically mandated so to do over a particular issue
8. Quarterly meetings with ward members
9. The Town Council will canvass opinions over matters of significance to the Town. It will chose methods of consultation appropriate to the subject and the population to be consulted, these may include:

- a) Consultation with other representative bodies
  - b) Councillor's conversations with the community
  - c) Public meetings
  - d) Written communications
  - e) Web Based consultation
  - f) Notices
  - g) Other methods appropriate to the occasion
10. Embracing 'Social Media' such as Facebook, Twitter, YouTube and LinkedIn to support the implementation schedule of the council. Social media accounts are to be controlled and maintained through the Clerk's office and used in conjunction with a media policy summarising effective and appropriate use.