



PEMBROKE TOWN COUNCIL STANDING ORDERS

These standing orders, revised to incorporate current legislation, were formally adopted by resolution of Pembroke Town Council on

18th January 2018

and came into force with immediate effect

Pembroke Town Councils Mission Statement

The Council will strive to improve the quality of life for people living in Pembroke and enhance the attractiveness of the town as a place in which to live, work, visit or invest.

Corporate Objectives

- A** To provide a strong and independent voice for Pembroke
- B** To preserve and enhance the traditions, character and identity of the town
- C** To promote Pembroke as a clean, safe, welcoming and prosperous town for all
- D** To engage in open dialogue with residents to understand their needs and together, work out how we can address those needs within the resources' and powers available to the Town Council
- E** To work in partnership with others to achieve more for Pembroke

PREFACE

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

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

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

TOWN MAYORS

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

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

STANDING ORDERS

1. Meetings

- a) Ordinary Meetings of the Council shall be held in each year on at the times and on the dates fixed at the Annual Meeting.

2. The Statutory Annual Meeting

- a) In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office.
- b) in a year which is not an election year the Annual Council Meeting shall be held on the first convenient Saturday in May.

(The Local government Act 1972 Sch. 12 part IV, paragraphs 23 (1) – 26(3))

3. Chairman of the Meeting

- **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- At a meeting of the Council, the Mayor if present, shall preside.
- If the Mayor is absent from a meeting of the Council, the Deputy Mayor, shall preside.

- a) If both the Mayor and Deputy Mayor are absent from a meeting of the Council, such Councillor as the members of the Council shall choose shall preside.

(Local Government Act 1972 Section 34)

4. Proper Officer

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

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council.
- To keep proper records for all Council meetings.
- To sign any document which is a necessary step in any legal proceedings on behalf of the Council unless an enactment requires otherwise.

In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

(The Local Government Act 1972, Section 234 and Section 270(3))

5. Quorum of the Council

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

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

6. For a quorum relating to a committee or sub-committee, please refer to Standing Order 43.

7. Voting

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

(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

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

8. **Election of Mayor (Resolution made on 13th July 2017 and adopted on 18th January 2018**

PROCEDURE :

- a. Town Clerk to include the election of Mayor Elect and Deputy Mayor Elect as an agenda item for inclusion at the February Council meeting.
- b. At the February Council meeting, the candidate standing for the Deputy Mayor elect position must ensure that they have a proposer and a seconder to speak on their behalf.

Following presentations :

A vote will be taken by a secret ballot. Town Clerk and/ or Deputy Town Clerk will count the votes cast and inform the Mayor if the candidate has been successful or not.

If there is a tied vote then the Mayor will exercise his /or her casting vote. If however the Deputy Mayor elect fails to gain sufficient votes to fulfil the Mayor Elect position, Council may vote to decide to -

- Ask the candidate(s) for the Deputy Mayor position if they would like to stand for the Mayor's position
Or
 - Defer the election process by seeking a new candidate(s) to come forward for election at the March Council meeting
- c. Prior to the February Council meeting, candidate(s) who wish to stand for the position of Deputy Mayor Elect must inform the Town Clerk of their intention to stand.
 - d. At the February Council meeting, candidate(s) wishing to become the Deputy Mayor, must ensure that they have a proposer and a seconder to speak on their behalf.
 - e. Following the representations, Council will be asked to vote for the person who they believe would be the most suitable candidate for Deputy Mayor Elect position.

- f. A vote will be taken by a secret ballot. Town Clerk and/ or Deputy Town Clerk will count the votes cast and inform the Mayor which candidate has been successful.

If the vote is tied, then the Mayor will exercise his / or her casting vote and the successful candidate will become Deputy Mayor Elect.

- g. If there is only one candidate for the Deputy Mayor Elect position, representations must still be made by the proposer and seconder and a vote taken.

NOTE : If the candidate fails to obtain the majority of votes required, then Council must defer the election of Deputy Mayor Elect by seeking a new candidate(s) to come forward for election at the March meeting.

- a. At the May Annual Meeting both the Mayor Elect and the Deputy Mayor Elect will be required to go through the voting procedure and have a Proposer and Secunder to speak on their behalf.
- b. Voting will take the form of a show of hands and as a result the Mayor Elect will be voted in as Mayor and the Deputy Mayor Elect will be voted in as Deputy Mayor.

9. **THE WEARING OF ROBES AND MAYORAL CHAINS OF OFFICE**

PEMBROKE :

The Mayor can wear robes and chains at :

- (a) Civic Meetings, Parades and Functions within the town limits
- (b) Functions (at the Mayor's discretion) e.g. school sports, prize giving etc. providing the use of robes is not overdone
- (c) Chains can be worn at anytime and to any function within the town.
- (d) Chains can be taken out of the country for example to twinning events and invitations (Chains are insured) provided Council are informed prior to the departure date

NOTE : Robes and chains can only be worn outside the town limits with express permission of the Mayor / Council of that area.

10. **MAYOR AND DEPUTY MAYOR'S ALLOWANCES :**

1. The Mayor and Deputy Mayor's allowances are set at the Precept meeting and endorsed by Full Council.
2. Following Mayor making, the Town Clerk will inform the Mayor what the balance of the allowance is available.
3. The allowance will be paid quarterly during their term of office.
4. Deputy Mayor & Town Crier

- (a) Allowances for the above positions is usually of a smaller value and will be paid in one lump sum.

11. Order of Business

Prior to a full Council or Annual Meeting members wishing to do so may meet in the Council Chamber for religious observance. A Member, a member of the Town Council Staff or Mayor's Chaplain may lead any prayer/intercession/religious observance.

At each Annual Council Meeting the first business shall be:-

- To elect a Mayor of the Council for the ensuing year.
- To receive the Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- To elect the Deputy Mayor of the Town Council for the ensuing year.
- To appoint representatives to outside bodies.
- To appoint committees and sub-committees.
- To consider the payment of any subscriptions falling to be paid annually.
- To inspect any deeds and trust investments in the custody of the Council as required;

and shall thereafter follow the order set out in the Standing Order 15

12. **At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor are absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
13. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.
14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
- To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

- **After consideration to approve the signature of the Minutes by the person presiding as a true and correct record.**
- **To deal with business expressly required by statute to be done.**
- To dispose of business, if any, remaining from the last meeting.
- To receive such communications as the person presiding may wish to lay before the Council.
- To answer questions from Councillors.
- To receive and consider reports and minutes of committees and Officers of the Council.
- To receive and consider resolutions or recommendations in the order in which they have been notified.
- To authorise the sealing of documents.
- If necessary, to authorise the signing of orders for payment.

15. Urgent Business

A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

16. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at no less than 7 clear working days before the next meeting of the Council.

17. The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
18. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
19. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
20. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report;

provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

22. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:-

- To appoint a Chairman of the meeting.
- To correct the Minutes.
- To approve the Minutes.
- To alter the order of business.
- To proceed to the next business.
- To close or adjourn the debate.
- To refer a matter to a committee.
- To appoint a committee or any members thereof.
- To adopt a report.
- To authorise the sealing of documents.
- To amend a motion.
- To give leave to withdraw a resolution or amendment.
- To extend the time limit for speeches.
- To exclude the press and public. (see Order 68 below)
- To silence or eject from the meeting a member named for misconduct. (see order 23 below)
- To give the consent of the Council where such consent is required by these Standing Orders.
- To suspend any Standing Order. (see Order 79 below)
- To adjourn the meeting.

Matters Arising from the Minutes

Councillors wishing to provide updates or share information to Council regarding matters arising from the previous minutes should notify the Clerk **prior** to the meeting in which they will be approved.

23. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided **two** clear days notice of the question has been given to the person to whom it is addressed.

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

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

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

27. An answer may take the form of:-

- A direct oral reply; or
- Where the desired information is contained in a publication or
- a reference to that publication; or
- Where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

28. RULES OF DEBATE

Standing to Speak

- When a Member proposes a motion at Full Meeting of Pembroke Council they must stand (if they so wish) and address the meeting through the Chairman. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.
- Members will speak of each other in the Council meeting by their respective titles of 'Mr/Madam Mayor' or 'Councillor' as the case may be.

Chairman's Ruling

The Chairman's ruling on all points of order, on the admissibility of a personal explanation, matters of order or procedure not provided for by, or the interpretation of, these Rules of Procedures, or on any other matter in connection with the conduct of the meeting shall be conclusive, and will not be open to discussion.

Chairman Speaking

Whenever the Chairman wishes to speak during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent so that the Chairman may be heard without interruption.

Speaking more than once

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- To speak once on an amendment moved by another Member;
- To move a further amendment if the motion has been amended since he / she last spoke;
- If his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- In exercise of a right of reply;
- On a point of order;
- By way of personal explanation;
- When permitted by the Chair.

A Member may, prior to moving an amendment, ask a question which the appropriate Chair may answer with a view to obviating the moving of such an amendment.

Point of Order

A Member may raise a point of order at any time. **The Chairman will hear them immediately.**

A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he or she considers it has been broken. The ruling of the Chairman on the matter will be final.

Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

Irrelevance, Repetition, ETC.

Every Member addressing the Council must speak of the question then under discussion. It will be the duty of the Chairman to call a Member to order for irrelevance, tedious repetition, unbecoming language, imputation of motive, reflection on personal character or any breach of order, and, if the Chairman thinks it necessary, to direct that the speech be discontinued. Such Members will forthwith comply with such direction.

Time limit for speeches

No Member shall speak for more than **three (3)** minutes on any matters, except for:

- The mover may speak for not more than **five (5)** minutes when moving the motion, and for **three(3)** minutes when exercising the right to reply to the debate.
- The seconder may speak for not more than **five (5)** minutes.

- The Mover of an amendment is entitled to speak for no more than **three (3)** minutes.

Right of Proposer of a motion to reply at the end of a debate

- The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- If an amendment is moved the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (iii) The mover of the amendment has no right of reply to the debate on his or her amendment.
- The mover of the motion will not introduce any new matter in the reply.

VOTING AT COUNCIL MEETINGS

Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chairman's Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Ballots

The vote will take place by ballot if a simple majority of the Members present at the meeting demand it but no expenditure of money shall be voted by ballot. The Chairman will announce the numerical result of the ballot immediately the result is known.

Recorded Vote

If one third (1/3) of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Right to Require Individual Vote to be Recorded

Where any Members request it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

29. Closure

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

30. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the Council, a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Local Commissioner.**
- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

31. Alteration of Resolution

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

32. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least four members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

33. Voting On Appointments

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

34. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 62.)

35. Resolutions on Expenditure

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

36. Expenditure

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

37. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by the Clerk and the Mayor.
- b) The Council's Common seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of the mayor who shall sign the document as witnesses.

38. Committees and Sub Committees

(The Local Government Act 1972, Sections 102 and 104(1))

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- May appoint persons other than members of the Council to any Committee; and
- May, subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.

- 39.** Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

40. Special Meeting

The Chairman of a Committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The

summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

41. Sub-Committees

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

42. Proceedings of Committees and Sub-Committees to be confidential

All agendas, reports and other documents and all proceedings of Committees shall be treated as confidential, unless and until they become public in the ordinary course of the Council's business.

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

44. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

45. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

46. Advisory Committees

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

Voting in Committees

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

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

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

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

50. Accounts and Financial Statement

- Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

51. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31st March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

52. Estimates / Precepts

- The council shall approve written estimates for the coming financial year at its meeting before the end of the month of December.
- Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than December.

53. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council then that interest must be declared and a decision made by the member whether to stay or withdraw.

54. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

55. **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

56. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any

such disclosure. Where a relationship to a member is disclosed, Standing Orders 53 and 54 shall apply as appropriate.

57. The Clerk shall make known the purpose of Standing Order 55 to every candidate.

58. Canvassing of and Recommendations By Members

- Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

59. Standing Order Nos. 55 & 57 shall apply to tenders as if the person making the tender were a candidate for an appointment.

60. Inspection of Documents

(The Local Government Act 1972, Section 228)

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

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

62. Unauthorised Activities

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- Inspect any lands or premises which the Council has a right or duty to inspect; or
- Issue orders, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or sub-committee.

63. Admission of The Public and Press to Meetings

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

"That in view of the private and confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

64. The Council shall state the special reason for exclusion.

65. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
66. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
67. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

68. Confidential Business

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

- Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

69. Liaison with County Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the appropriate ward.

70. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

71. Planning Applications

The Clerk shall, as soon as it is received, record on their Report to the Town Council the following particulars of every planning application it receives from the County Council:-

- the reference number
- the name of the applicant
- the place to which it relates
- a summary of the nature of the application.

72. Financial Matters

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

Such Regulations shall include detailed arrangements for the following:

- the accounting records and systems of internal control;
- the assessment and management of risks faced by the Council;

- the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;

PAYMENT OF ACCOUNTS

All cheques drawn on Council accounts will be signed by **two** Councillors.

- The Clerk/Financial Responsible Officer, is delegated to authorise payments for goods and services up to the amount of **£500 without** the prior approval of the Town Council. These payments **must** be reported to Council Retrospectively (giving names, brief details and amounts).
- A list of all payments **exceeding £500** (showing names, brief details and amounts) shall be submitted to the Council for approval **prior** to payment being made.
- Any proposed contract for the supply of goods, materials and services with an estimated value between **£501 and £4,999** shall be subject to the Clerk/Financial Responsible Officer submitting a minimum of **3 quotations** to Council to be assessed. The Council, nor any Committee, is not bound to accept the lowest estimate or quote.
- Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in **excess of £5,000** shall be procured on the basis of a formal tender as summarised below.

Any formal tender process shall comprise the following steps:

- a public notice of intention to place a contract to be placed in a local newspaper;
- a specification of the goods, materials, services and the execution of works shall be drawn up;
- tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 61, 63 & 64 regarding improper activity.
- The Financial Regulations of the Council shall be subject to regular review, **at least** once every four years.
- Payments of Staff Salaries will be made by BACS and will be reported to Council retrospectively, **unless** there are extra-ordinary or excessive payments to be made. In such cases a list of these payments (giving names, brief details and amounts) shall be submitted to the Council for **prior** approval.

Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level

73. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

74. Variation, Revocation and Suspension of Standing Orders

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

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

76. Standing Orders to be Given to Members

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

PEMBROKE TOWN COUNCIL LOCAL RESOLUTION PROTOCOL

NOTE : This protocol has been reworded from a document provided by One Voice Wales (Model Local Resolution Protocol for Community and Town Councils) and takes into account other relevant documents, namely –

1. Pembroke Town Council – Code of Conduct
2. Pembroke Town Council – Standing Orders
3. Pembroke Town Council – Employee Handbook (Approved May 2013)
4. Ombudsman Code of Conduct Booklet – (Published September 2012)

LOCAL RESOLUTION PROCESS :

Issues which should be considered under this process – Low level complaints about members, including –

- (a) Minor complaints from Members about Members
- (b) Minor complaints from Officers about Members
- (c) Members alleged to have not shown respect and consideration for others – either verbally or in writing
- (d) Repetitive low level complaints
- (e) Member’s complaints about officers / employees - internal complaints procedure (refer to Employee Handbook Section 2 Polices – Disciplinary, Gross Misconduct.

Issues which should NOT be considered under this process – Complaints must be directed to the Public Services Ombudsman for Wales ((PSOW)

- (a) Complaints instigated by a member of the public
- (b) Serious complaints – breaches of PTC Code of Conduct / failure to disclose interests / bullying / abuse of position or trust / repeated breaches
- (c) Complaints made by the Clerk / Proper Officer
- (d) Vexatious, malicious or frivolous complaints

THE PROCESS :

The Complaint –

The complaint must in the first instance be sent to the Clerk / Proper Officer of the Council in order to undertake a first sift to ensure that the complaint is at a low level and can therefore be dealt using existing Council procedures.

The Clerk / Proper Officer must at first seek an early resolution by liaising informally with the individuals concerned.

It is vitally important that the “accused” member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

RESOLUTION PROCESS

NOTE : The involvement of the Chair / Vice Chair of the Council (Mayor / Deputy Mayor) in the process, is not to adjudicate on the complaint, but to get members / officers involved in order to come to an agreement as to how the issue(s) can be resolved on an amicable basis.

- (a) The Clerk / Proper Officer will act as a facilitator for the resolution process.
- (b) If the complaint is between members other than the Chair (Mayor) of the Council, the Clerk / Proper Officer and the Chair will meet individually with the complainant and member in order to seek an agreed resolution.
- (c) If the complaint is between members, one of whom is the Chair (Mayor) of the Council, the Clerk / Proper Officer and the Vice Chair (Deputy Mayor) will meet with the complainant and member in order to seek an agreed resolution.
- (d) If the complaint has been made by an officer / employee, but not the Clerk / Proper Officer, against a Member other than the Chair of the Council, the Clerk / Proper Officer and the Chair of the Council will meet with the officer / employee and the Member in order to seek an agreed resolution.
- (e) If a complaint is made by a member other than the Clerk / Proper Officer against an employee, reference must be made to the Council's Disciplinary Policy located in the Employee's Handbook – Section 2 Polices -Disciplinary
- (f) If the complaint has been made by an officer / employee but not the Clerk, against the Chair of the Council, then the Clerk and the Vice Chair of the Council will meet with the officer / employee and the Chair in order to seek an agreed resolution.
- (g) NOTE : If the complaint has been made by the Clerk / Proper Officer, then depending on the severity of the complaint it should be forwarded to the PSOW for investigation.

RESULTS OF PROCESS :

- (a) If an agreement is reached by Members and / or officers during the above process then no further action should be taken.
- (b) If agreement is not reached by the aggrieved Member / Officer then in the first instance, the Personnel Committee may need to be involved in the grievance process.
NOTE : for complaints against employees – refer to the Grievance Policy in the Employees handbook.
- (c) Examples of agreements might include the issue of a letter of apology, a written undertaking or commitment not to Breach the Code of Conduct in the future, a commitment to undertake appropriate training or an agreement that on the basis of the evidence that no further action should be taken and the matter is closed.

TIME FOR THE PROCESS :

- (a) All processes should be completed as quickly as possible.
- (b) All individuals involved in the process should make themselves available so that resolutions can be completed as quickly as possible.

DOCUMENTATION :

- (a) All meetings / discussion relating to the complaints procedure should be minuted, this will ensure that agreements are documented. If discussions break down and are referred to the PSOW such documentation will provide useful information for the Ombudsman.

PROCESS TRAINING REQUIREMENTS:

- (a) Clerk / Proper Officer and Chair / Vice Chair of the Council should receive training in facilitation and mediation techniques.