



# **DROITWICH SPA TOWN COUNCIL**

## **STANDING ORDERS AND FINANCIAL REGULATIONS**

**2016/2017**



**DROITWICH SPA TOWN COUNCIL****STANDING ORDERS AND FINANCIAL REGULATIONS****FOR THE CONDUCT AND REGULATION OF THE TOWN COUNCIL AND ITS  
SEVERAL COMMITTEES****MEETINGS OF THE COUNCIL**

1. Meetings of the Council shall be held at 6pm unless the Council otherwise decides.
2. The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the third Monday in May. The Statutory Annual Meeting shall be held at 6pm; these to be excluding Bank Holidays.
3. The three other statutory meetings shall be held on Mondays to be agreed within a programme of meetings to be set by Council.
4. Additional meetings shall be held on Mondays (excluding Bank Holidays) in accordance with a programme approved by the Town Council.
5. 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.
6. The scheduled date for the Civic Service is to be included within the programme of meetings set by the Council.

**MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES****NOTICE OF MEETING**

7. When calculating the three clear days for the notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

**RECORD OF ATTENDANCES**

8. Every member of the Council attending a meeting of the Council, or of any of its Committees or Sub-Committees, shall sign his name in the attendance book provided for that purposes.
9. The minutes of a meeting shall record the names of councillors present.

**CHAIRMAN OF MEETING**

10. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, the Councillor chosen by the members of the Committee or Sub-Committee present shall preside at that meeting.
11. The person presiding at a meeting may exercise all the powers and duties of the Mayor in relation to the conduct of the meeting.

### **QUORUM**

12. One third of the membership of the Council or of any of its Committees or Sub-Committees, shall constitute a quorum. In no case shall the quorum of a meeting be less than 3.
13. If a quorum is not present or if during a meeting the number of councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

### **VOTING**

14. Members shall vote by show of hands, or, if at least three members so request, by written ballot.
15. If any member so requires, the Clerk shall record the name of the member(s) who voted on any proposal so as to show whether they voted for or against it. Such a request shall be made before moving to the next item of business on the agenda for that meeting.
16.
  - (1) Subject to (2) below, the Mayor may give an original vote on any matter put to the vote.
  - (2) The Mayor may not give an original vote in the election of the Mayor on any occasion when he will himself immediately after such election retire from the Council (except at the election after the Town Council elections).
  - (3) In any case of an equality of votes, the Mayor may give a casting vote.

## DECLARATIONS OF INTEREST

17. In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the Town Clerk, before the Annual Meeting commences. Councillors should also complete their Declarations of Interest Forms prior to the commencement of the Annual Meeting. These are to be kept up to date by the individual Councillor at all times, in accordance with the adopted Code of Conduct set out at Annexe 1 to these Standing Orders and was adopted by the Council on 25 June 2012, Minute 71 refers]. Members are required to observe the Code, whenever conducting the business of the Council and of the office to which elected or appointed.

## ORDER OF BUSINESS – ANNUAL MEETING

18. At each Annual Meeting the order of business shall be:
- (a) To elect a Mayor
  - (b) To receive the Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received. (The Mayor shall chair all meetings of the Council, or in his absence meetings shall be chaired by the Deputy Mayor).
  - (c) To elect a Deputy Mayor.
  - (d) To appoint Standing Committees.
  - (e) To elect the Chairman and Vice-Chairman of each Standing Committee.
  - (f) To appoint Council representatives to outside bodies.
  - (g) To confirm the Programme of Meetings, including the date for the Civic Service.
  - (h) To receive such communications as the presiding Chairman may wish to lay before the Council.

**ORDER OF BUSINESS – COUNCIL MEETINGS (NOT ANNUAL)**

19. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
20. After the first business has been completed (Prayers and Apologies for Absence and Declarations of Interests), the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- (a) To read and consider the Minutes of previous meeting(s), provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the Meeting, the Minutes may be taken as read.
  - (b) After consideration, to approve the signature of the Minutes by the presiding Chairman as a correct record.
  - (c) To deal with business expressly required by statute to be done.
  - (d) To dispose of business, if any, remaining from the last meeting.
  - (e) To receive and consider reports and minutes of Council Committees.
  - (f) To receive such communications as the presiding Chairman may wish to lay before the Council.
  - (g) To authorise the sealing of documents.
  - (h) To consider motions or recommendations in the order in which they have been notified.
  - (i) Any other business specified in the summons.
  - (j) To receive notice of any matter that any member wishes to include on a future agenda.
21. 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.

**RESOLUTIONS MOVED ON NOTICE**

22. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than Monday in the week before the next meeting of the Council. Before including a motion in the agenda received in accordance with this Standing Order, the Clerk may correct obvious grammatical or typographical errors in the wording of the motion.
23. The motion may be rejected until the mover of the motion resubmits it in writing to the Clerk in clear and certain language within the specified time. If the wording or nature is considered unlawful or improper, the Clerk (or Chairman, as appropriate) shall decide as to the inclusion or not of the motion upon the agenda.
24. The Clerk shall date every notice of motion when received by him, and shall enter it in a file, which shall be open to the inspection of every member of the Council and any member of the public.
25. The Clerk shall insert in the summons for every meeting all notices of motion 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.
26. If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
27. If the subject matter of a resolution comes within the province of a committee of the Council, it may, upon being moved and seconded and after discussion if the Council so resolves, stand referred to such committee or to such other committee as the Council may determine for report.
28. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

**RESOLUTIONS MOVED WITHOUT NOTICE**

29. Resolutions dealing with the following matters may be moved without notice:-
  - (a) To appoint a Chairman for the meeting
  - (b) To correct the Minutes
  - (c) To approve the Minutes
  - (d) To alter the order of business
  - (e) To proceed to the next business
  - (f) To close or adjourn the debate

- (g) To refer a matter to a committee, or to an Officer
- (h) To appoint a committee or any members thereof
- (i) To consider a report and/or recommendations made by a committee or an employee
- (j) To authorise the sealing of documents
- (k) To amend a motion
- (l) To give leave to withdraw a motion or an amendment
- (m) To extend the time limit for speeches
- (n) To consider otherwise than in committee a question affecting an employee of the Council
- (o) To exclude the press and public
- (p) To silence or eject from the meeting a member named for misconduct
- (q) To invite a member having an interest in the subject matter under debate to remain
- (r) To give the consent of the Council where such consent is required by these Standing Orders
- (s) To suspend Standing Orders that may be suspended, in accordance with paragraph 73 below.

### **QUESTIONS BY MEMBERS**

- 30. A member may ask the Chairman any question concerning the business of the Council.
- 31. A member with or without notice may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
- 32. A person to whom a question has been put may decline to answer.

**RULES OF DEBATE**

33. No discussion shall take place upon the Minutes to be confirmed by the successive meeting of the Council or Committee, or Sub-Committee, except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
34. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the chairman, be placed in writing and handed to him before it is further discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech shall exceed five minutes, except by consent of the Chairman.
- (e) An amendment shall be either:-
- (i) To leave out words
  - (ii) To leave out words and insert or add others
  - (iii) To insert or add words
- (f) An amendment shall not have the effect of negating the motion before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution thereby becoming the substantive motion. This shall then become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council or Committee or Sub-Committee has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Chairman, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.
- (k) A member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, or Committee or Sub-Committee which shall be signified

without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

- (m) When a resolution is under debate no other resolution shall be moved except the following:-
- (i) To amend the resolution
  - (ii) To proceed to the next business
  - (iii) To adjourn the debate
  - (iv) That the question be now put
  - (v) That a member named be not further heard
  - (vi) That a member named do leave the meeting
  - (vii) That the resolution be referred to a committee
  - (viii) To exclude the public or the press or both
  - (ix) To adjourn the meeting.
- (n) That should any District or County Councillors wish to report upon the matters of the Local Authority to which they are a member, then this may be done at the discretion of the Chairman of that meeting, without the need for the suspension of Standing Orders.

35. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

36.

- (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) If a member wishes to speak, he shall indicate this to the Chairman by raising his hand or standing, whereupon the Chairman shall add his name to the list of persons wishing to speak and shall call upon him to speak in order.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

## **CLOSURE**

37. 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 and if the Chairman is of the opinion that the

question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. 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 or Committee or Sub-Committee shall not prejudice the mover's right of reply at the resumption.

## **DISORDERLY CONDUCT**

38.

- a) No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b) If, in the opinion of the Chairman, a member has so misconducted himself, the Chairman shall express that opinion to the Council or Committee or Sub-Committee 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.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## RIGHT OF REPLY

39. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## ALTERATION OF RESOLUTION

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

## REVISION OF PREVIOUS RESOLUTION

- 41.
- (a) A decision (as opposed to a recommendation) (whether affirmative or negative) of the Council or Committee or Sub-Committee shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least one third of the membership of the Council or Committee or Sub-Committee.
  - (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
  - (c) This Order shall not apply to rescinding resolutions moved in pursuance of the report or recommendation of a committee.

## EXTRAORDINARY MEETINGS

42. The Mayor may also convene an Extraordinary Meeting of Council at any time. If the Mayor does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by 2 councillors, those 2 councillors may convene an Extraordinary meeting of the Council. The statutory notice giving the time, venue and agenda for such a meeting must be signed by the 2 councillors.

## **ESTABLISHMENT**

### **REVIEW**

43. The Town Council's Resources Committee shall from time to time, after consultation with any Committees concerned, review the staffing and functioning of the Council. Amendments to the approved staffing and functioning of the Council shall require consent of the full Council.

### **TEMPORARY EMPLOYEES**

44. The Chairman (or in his/her absence, the Vice-Chairman) of the Council's Resources Committee shall be empowered to authorise requests from the Town Clerk for the appointment of temporary employees.

### **VOTING ON APPOINTMENTS**

45. 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.

### **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

46. If at a meeting of the Council or any committee, or sub-committee 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 or sub-committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No 75).

## **SEALING OF DOCUMENTS**

- 47.
- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
  - b) The Council's Common Seal alone shall be used for sealing documents. It shall be applied by the Town Clerk in the presence of two members who shall sign the document as witnesses.

## **COMMITTEES**

48. The Council shall at the Annual Meeting appoint standing committees and may at that meeting or at any other time appoint such other committees, sub-committees or working parties as are resolved to be appointed, but subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a committee, sub-committee or working party so as to hold office later than the next Annual Meeting, and
  - (b) may at any time dissolve or alter the membership of any committee or working party.
49. The Standing Committees of the Council shall be as follows:-
- Planning Committee
- Community and Amenities Committee
- Resources Committee
50. Each Standing Committee shall consist of a minimum of six members of the Council, the exact number thereof to be decided at the Annual Meeting. Any other committee or working party shall consist of such members as the Council shall resolve. The Chairman and Vice-Chairman of Committees may be appointed at the Annual Meeting of the Council.
51. The Mayor shall be a member of every Standing Committee of the Council.
52. Every committee, sub-committee and working party other than a Standing Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who each shall hold office until the next Annual Meeting of the Council.
53. The Chairman of a committee, sub-committee or working party may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a third of the members of the committee, sub-committee or working party. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting without the consent of the meeting.
54. Every committee may appoint sub-committees for purposes to be specified by the committee, acting under delegated powers.
55. 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.
56. The Standing Orders on rules of debate (excepting 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, sub-committee and working party meetings insofar as they are appropriate.

## **DELEGATION TO COMMITTEES**

57. All matters within the authority of the Council may be delegated to one of the Standing Committees, with power to act, except in the case of those matters specifically reserved to the full Council as set out in these Standing Orders.
58. The Terms of Reference of and Scheme of Delegation to the Council's Standing Committees shall be as set out in the Annexe 4 attached.
59. In the absence of precedent as to which Standing Committee shall deal with any particular matter the ruling of the Mayor shall be final and binding.
60. The full Council, on receipt of Committee Reports, shall have the right to comment on the decisions of Committees on matters within their delegated powers, and may reserve such decisions.
61. No Committee shall have the power to act contrary to these Standing Orders.
62. The following functions shall be wholly reserved for the full Council:-
  - (a) All matters for which the approval of the Council is required by Statute.
  - (b) Determination of the approved staffing and methods of functioning of the Council.
  - (c) The appointment of Senior staff after report from the Resources Committee.
  - (d) The acquisition of land and buildings.
  - (e) The disposal, sale and leasing of land and buildings.
  - (f) The promotion of or opposition to any legislation.
  - (g) The institution or prosecution (but not the defence) of any legal proceedings or of any appeal in any such proceedings.
  - (h) The making, alteration and revocation of Standing Orders and regulations and bye-laws.
  - (i) The convening of Conferences of a public nature between the Council and local or other authorities.
  - (j) The giving of evidence before Royal Commissions, Departmental Committees or similar bodies and the expression of views on the reports of such bodies.
  - (k) The appointment of representatives on other bodies.

## **ADVISORY COMMITTEES/SUB-COMMITTEES**

63. Advisory Committees and Sub-Committees may comprise a number of councillors and non-councillors as the appointing body sees fit.
64. The Council may at any time, appoint Advisory Committees, whose names, numbers of members and terms of reference, shall be as agreed by the Council at the time of appointment. The Council may at any time dissolve or alter the membership of any Advisory Sub-Committee.
65. Any Standing Committee of the Council may at any time, appoint Advisory Sub-Committees, whose names, numbers of members, and terms of reference, shall be as agreed by the Council Standing Committee at the time of the appointment. The Standing Committee may at any time dissolve or alter the membership of its Advisory Sub-Committees.
66. The Town Clerk shall inform the members of each Advisory Committee or Sub-Committee of the terms of reference of the Committee or Sub-Committee.

#### **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

67. A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.
68. Any Council member shall be entitled to be present at the meetings of any committee or sub-committee of which he is not a member.

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

69. Canvassing of members 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.
70. A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
71. Standing Orders Nos 69 and 70 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **INSPECTION OF DOCUMENTS**

72. Save where the member has a prejudicial interest as defined in the Code of Conduct a member may inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied with a copy.
- 73.
- a. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
  - b. The Minutes of the Council shall be open to inspection by any member of the public without charge, and upon payment of a reasonable fee shall be provided with a copy of any such document.

## **UNAUTHORISED ACTIVITIES**

74. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- a. Inspect any lands or premises which the Council has a right or duty to inspect;  
or
  - b. Issue orders;  
unless authorised to do so by the Council or the relevant committee.
  - c. Have any dealings with any contractor employed by the Council.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

75. The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or the press or both in accordance with the provision of the Public Bodies (Admission to Meetings) Act 1960 by virtue of the confidential nature of the business about to be transacted, by means of the following resolution, viz: "That the press and public be now excluded from the meeting under the provision of the Public Bodies (Admission to Meetings) Act 1960 by virtue of the [special] [confidential] nature of the business about to be transacted."

(The special reasons for confidentiality must be stated)

76. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
77. Members of the public are permitted to film or record Council meetings to which they are permitted access, in a non-disruptive manner and in accordance with the Council's agreed Protocol [set out in Annexe 6]. The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any recording is deemed to be disruptive.
78. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he or she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.
79. Public question sessions prior to Council and Standing Committee meetings shall be held in accordance with guidelines adopted by the Council and set out in Annexe 3 to these Standing Orders.

## **CONFIDENTIAL BUSINESS**

80. 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.

## **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

81. A notice of meeting, and agenda, for each meeting of the Town Council shall be sent to each County Councillor and District Councillor for the Town.

**VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

82. Any part of the Standing Orders except those underlined may be suspended by resolution in relation to any specific item of business. Standing Orders that are mandatory by law are not to be suspended.
83. The Town Clerk shall be required to keep the Town Council's Standing Orders under constant review, and shall from time to time and as required, report to the Town Council with recommendations for their amendment.
84. A motion permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**INTERPRETATION OF STANDING ORDERS**

85. The ruling of the presiding Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged.

**STANDING ORDERS TO BE GIVEN TO MEMBERS**

86. A printed copy of these Standing Orders and any amendments thereto shall be given to each member by the Town Clerk upon delivery to him of the members' declaration of acceptance of office, or as soon as possible thereafter, following revision.

**FINANCIAL REGULATIONS**  
**AND**  
**STANDING ORDERS RELATING TO CONTRACTS**

**RESOURCES COMMITTEE**

87. The Council's Resources Committee shall have responsibility for the financial affairs of the Council, including Financial Administration, Financial Planning and Budgetary Control.
88. With regard to financial matters, Officers should adhere to the Council's Internal Control Policy.

**ESTIMATES**

89. The Council's Estimates shall be prepared by the Council Resources Committee and submitted to the Town Council each year, for approval.
90. Any Council Standing Committee may make recommendations to the Council's Resources Committee concerning income and expenditure to be included in the Council's Estimates in respect of functions which are the delegated responsibility of that Committee.
91. The inclusion of any specific item in the Council's Estimates shall confer authority on the Town Clerk and the Council Standing Committee with delegated authority for that function to incur such expenditure.
92. Where expenditure on any item in the Council's Estimates either exceeds, or is likely to exceed the amount provided, the Town Clerk shall consult the Chairman of the Council's Resources Committee and the Chairman of the appropriate Standing Committee and shall report to the next meetings of those committees.
93. Each member of the Council shall be provided with a copy of the Council's Estimates.

**RESOLUTIONS ON EXPENDITURE**

94. Any motion which is moved otherwise than in pursuance of a recommendation of the Resources Committee or of another committee after recommendation by the Resources Committee and which, if carried, would, in the opinion of the presiding Chairman, substantially increase the expenditure upon any service which is under the management of 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. The Resources Committee shall report on the financial aspect of the matter.

## 95. Budgetary Control

- 95.1 Expenditure on the revenue account may be incurred up to the amounts included in each approved committee budget.
- 95.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate committee revenue budget unless a virement or overspend has been approved by the full Town Council.
- 95.3 The Responsible Finance Officer shall provide a quarterly statement of income and expenditure to date under each head of the approved annual revenue and capital budgets to the Resources Committee of the Town Council, comparing actual expenditure against that planned.
- 95.4 The Town Clerk may incur expenditure on behalf of the council which is necessary to carry out any repair replacement or other work which is of such extreme urgency, in accordance with No 120 below.
- 95.5 Where expenditure is incurred in accordance with regulations 95.4 above and the sum required cannot be met from savings made elsewhere within that committee's approved budget, it shall be subject to the provision of a supplementary estimate approved by the Resources Committee or the Council.
- 95.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the committee concerned is satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 95.7 All capital works shall be administered in accordance with the council's financial regulations relating to contracts.

### **BANKING ARRANGEMENTS**

96. All arrangements with the Council's Bankers shall be made by the Town Clerk, as authorised by the Council and Resources Committee.
97. All transactions shall be authorised by the Town Clerk, together with two of the following members:-
  - The Town Mayor
  - The Deputy Mayor
  - Chairman of the Resources Committee
  - Vice-Chairman of the Resources Committee
  - Chairman of the Community & Amenities Committee
  - Vice-Chairman of the Community & Amenities Committee

### **INVESTMENT OF COUNCIL FUNDS**

98. All investments of money under its control shall be made in the name of the Town Council, by the Town Clerk, with the approval of the Chairman (or in his absence, the Vice-Chairman) of the Resources Committee.
99. The Town Clerk shall report to the Resources Committee on the amounts and terms of any investments made.

### **LOANS TO THE COUNCIL**

100. Applications to any government, local government or other authority or person for loans to the Council shall require the authority of the Town Council in pursuance of a recommendation of the Resources Committee.

### **ORDERS FOR WORK, GOODS AND SERVICES [SEE ALSO SO 112]**

101. Official orders shall be issued for all work, goods or services to be supplied to the Council, except for supplies of public utility services, for periodic payments such as rent and rates, and for petty cash purchases.
102. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (Statutory Instrument No 5 as amended) and the Utilities Contracts Regulations 2006 (Statutory Instrument No 6 as amended) apply to the contract, and if either of those Regulations apply, the Council must comply with European Union procurement rules.

### **PAYMENT OF ACCOUNTS**

103. With the exception of Petty Cash payments, all accounts for payment, and claims upon the Council shall be laid before the Council, or Resources Committee.
104. Where it is necessary to make any payment before it has been laid before the Council, or Resources Committee, the Town Clerk shall certify the payment as to its urgency and correctness, and the payment shall then be authorised by any two of the Council members detailed in Standing Order 96. The payment shall be laid before the next meeting of the Council or Resources Committee.

### **IMPREST ACCOUNT**

105. The Town Council shall maintain an imprest account for the purpose of defraying petty cash expenditure.
106. The amount of imprest shall be that amount which the Resources Committee may from time to time determine.
107. Individual payments from the Imprest Account shall not exceed such maximum amount as the Resources Committee may from time to time determine.
108. All payments from the Imprest Account shall be supported by receipted vouchers which shall be laid before the Council or Resources Committee when reimbursement of the Imprest Account is required.

### **SALARIES, WAGES AND PENSIONS**

109. The payment of all salaries, wages, pensions, and other emoluments or allowances to all employees or former employees of the Council shall be made by the Town Clerk under arrangements approved by the Resources Committee.

### **FINANCIAL STATEMENT**

110. A written statement showing the Council's Income and Expenditure for the preceding financial year shall be placed before the Resources Committee for approval as soon as practicable.
111. Each member of the Council shall be provided with a copy of the statement.

### **STANDING ORDERS RELATING TO CONTRACTS**

112. The Town Clerk shall have authority to incur expenditure not exceeding £1,000 in value, for work, goods or services to be supplied to the Council, in respect of any specific item in the Council's Estimates.
113. Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value, for work, goods or services to be supplied to the Council, at least three competitive quotations shall be obtained. These shall be placed before the relevant Council Standing Committee. The Committee shall not be required to accept the lowest tender.
114. If less than three tenders are received, or if all the tenders are identical, the Committee may make such arrangements for procuring the work, goods, or services as it thinks fit.
115. Where it is intended to enter into a contract exceeding £60,000 in value for work, goods or services to be supplied to the Council, the Town Clerk shall give at least two weeks public notice of such intention in the same manner as public notice of meetings of the Council is given. Similar notice shall be given, in addition, to all firms included in the appropriate standing approved list of contractors maintained by

Wychavon District Council, or if no such list is maintained then in such newspapers circulating in the District as the Council shall direct.

The notice shall state the general nature of the intended contact and shall in addition state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

These tenders shall be placed before the relevant Council Standing Committee. The Committee shall not be required to accept the lowest tender.

116. If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the work, goods or services as it thinks fit.
117. A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 69 and 70.
118. The acceptance of contracts exceeding £10,000 in value for work, goods or services to be supplied to the Council, and the payment of the final accounts for these contracts shall require the approval of the Town Council.

119. Nothing in these standing orders shall require tenders to be invited if:
- i) In the case of contracts for the supply of goods or materials:
    - (a) The goods or materials are proprietary articles or are sold only at a fixed price and no reasonably satisfactory alternative is available;
    - (b) The prices of the goods or materials are wholly controlled by government order and no reasonably satisfactory alternative is available;
    - (c) For other reasons, there would be no genuine competition.
  - ii) The work to be executed or the goods or materials to be supplied constitute an extension of an existing contract (such an extension to be approved by/reported to the Committee responsible).
  - iii) The contract is for the execution or the supply of goods or materials certified by the Town Clerk as being required so urgently as not to permit the invitation of tenders, such certificate to be reported to the next meeting of the Resources Committee.
  - iv) The work to be executed or the goods or materials to be supplied consist of repairs to or the supply of parts of existing proprietary machinery or plant; or
  - v) The estimate expenditure is less than £1,000 or it is not considered reasonably practicable in the Council's interest to do so.

## **EMERGENCIES**

120. As laid down in the Internal Controls Policy, paragraph 3.1.4, in an emergency the Town Clerk will have the authority to incur expenditure not exceeding of £1,000. If expenditure will or is likely to exceed £1,000, authorisation will be sought from the Emergency Committee consisting of the relevant Committee Chairman, the Mayor, the Chairman of the Resources Committee and the Vice-Chairman of the Resources Committee, and the Leader of the Majority Party, with the Town Clerk also being a member of this committee. In all cases, the Town Clerk will send a letter to all members within 3 working days, outlining the circumstances of the emergency and the expenditure incurred.

**Standing Order 17 refers**

The Localism Act 2011 abolished the previous standards regime and set out a new ethical framework. This requires all Councils to promote and maintain high standards of conduct by Members, to have a local code of conduct, to register pecuniary and other interests, and also created a new criminal offence of failing to register relevant interests. Within Worcestershire, the Monitoring Officers of the County Council and the six District Councils had developed a Code of Conduct to provide a consistent approach across all Worcestershire authorities. The Town Council adopted this code on 25 June 2012 effective as from 1 July 2012.

Officers of the Council are governed by the National Code of Local Government Conduct at present, although a revised Code of Conduct for Officers is awaited. Implementation on this was expected to be progressed by the Department of Communities and Local Government (the successor of the Office of the Deputy Prime Minister) in Autumn 2007, but to date there is no progress on this.

The Code of Conduct, as adopted by Council at its Meeting on 25 June 2012 is set out below.

## DROITWICH SPA TOWN COUNCIL

### CODE OF CONDUCT

#### Part 1

#### General provisions

#### **Introduction**

#### **and**

#### **interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Droitwich Spa Town Council.
- (2) You should read this Code together with the Seven Principles of Public Life which are set out in Appendix 1
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—  
"meeting" means any meeting of
  - (a) the authority;
  - (b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Wychavon District Council Council.

#### **Scope**

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **General obligations**

- 3.** (1) You must treat others with respect.
- (2) You must not:
- (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4.** You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6.** You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
  - (i) act in accordance with the authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity.

**7.** You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Clerk; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

**8.** You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

## **Part 2**

### **Interests**

#### **Disclosable Pecuniary Interests (“DPI”)**

9. (1) You will have a Disclosable Pecuniary Interest (“DPI”) under this Code if:-
- (a) such interest meets the definition prescribed by Regulations as amended from time to time and set out in Appendix 2 to this Code; and
  - (b) it is either an interest of yourself; or it is an interest of :-
    - (i) your spouse or civil partner; or
    - (ii) a person with whom you are living as husband and wife: or
    - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

#### **Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

#### **Other Disclosable Interests**

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion which is not de minimus;
  - or
  - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council’s representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances

would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

## **Disclosure of Interests**

### **12.(1) DPIs: formal meetings**

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

### **(2) DPIs: informal meetings**

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

### **(3) Single Member Decisions**

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

### **(4) Other Disclosable Interests**

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
  - i. affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
  - ii. is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

### **(5) Dispensations**

You may take part in the discussion of and vote on a matter in which you have been granted a dispensation.

### **Sensitive Information**

- 13.** (1) An interest will be a sensitive interest if the two following conditions apply:
- (a) That you have an interest (whether or not a DPI); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

**APPENDIX 1**

The Seven Principles of Public Life:

SELFLESSNESS

INTEGRITY

OBJECTIVITY

ACCOUNTABILITY

OPENNESS

HONESTY

LEADERSHIP

## **APPENDIX 2**

### **Statutory Instrument 2012 No 1464 – The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

### **Annexe 2**

#### **DROTWICH SPA TOWN COUNCIL**

#### **PUBLIC QUESTION SESSIONS PRIOR TO COUNCIL AND STANDING COMMITTEE MEETING**

#### **GUIDELINES**

1. Public Question Sessions shall be held prior to each Council and Standing Committee meeting and shall be of up to 15 minutes duration. In exceptional circumstances the time may be extended at the sole discretion of the Chairman.
2. Issues raised by members of the public, who shall be residents of the town or occupy property therein (commercial or residential), shall be in the form of a question, but may include a statement.
3. Questions must be delivered to the Town Clerk, in writing, at least six hours before they are to be asked (ie by 1pm on the day of the meeting); in exceptional circumstances, and at the sole discretion of the Chairman, this time may be reduced to 30 minutes.
4. Priority will be given to questions relating to the direct responsibilities of the Town Council.
5. No discussion shall take place upon the question at the time it is raised except that the Town Clerk may offer to correct a matter of fact.
6. An undertaking is given to bring to the attention of town councillors the content of any question raised and the questioner may expect to receive a written response thereto in due course.
7. With regard to public representation and planning matters, these are dealt with at Annexe 3.
8. The Leader of the Council, in consultation with the Mayor and the Chairman of a relevant committee, shall have the discretion to determine that a question be not put if deemed inappropriate for any one of the following reasons:
  - a. The question is deemed to be party-political;
  - b. The question contains statements which might be considered slanderous to any person or persons;
  - c. The questions should more properly be put to another democratically elected Authority.

Any question which has been so deemed as inappropriate shall be circulated to all Members of the Council within 48 hours of the Question Session concerned, together with the reason for its exclusion.

9. The Public Question Sessions will be chaired by the Town Mayor or Chairman of the respective Standing Committee, whose decision shall be final upon the conduct of the session
10. Each session shall be brought to a close by the Chairman before the commencement of the proceedings of any Council or Standing Committee meeting.
11. No questioner shall misconduct himself/herself at a question session by persistently disregarding the ruling of the Chairman, by wilfully obstructing the raising of questions by other questioners, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the proceedings.
12. The Chairman's decision shall be final on a matter of misconduct and the Chairman may suspend, or bring to a premature close, any question session if he/she considers such closure to be expedient in the interests of the proper discharge of Town Council business.
13. No person shall use a Public Question Session to make a party-political speech or statement.

**PROCEDURE FOR DEALING WITH PLANNING MATTERS  
AND MAJOR PLANNING APPLICATIONS  
GUIDELINES**

In the Guidelines for the Public Question Sessions prior to meetings of the Council and the Standing Committees (Annexe 2), it refers to questions not being put if it should more properly be put to another democratically elected Authority.

For the determination of Planning Policy and Planning Applications, Wychavon District Council is the Local Planning Authority, the Town Council only being one of the statutory consultees on an application. Therefore, for the most part, the Town Council, its Planning Committee or indeed any Standing Committee will not receive any representation by a resident, applicant or developer, who is directly or indirectly involved with the submission of a planning application upon which the Town Council is to comment, or has commented upon.

However, for major, significant development schemes which are either submitted in the form of a planning application or in the process of being drawn up, in many instances the developer will seek to meet with the Town Council, to present proposals or to have pre-application discussions. In these instances the Town Council will normally agree to a presentation being made, as it is deemed that the Council would be afforded the opportunity to influence the proposal beneficially. These presentations will be by invitation to the developer to attend a meeting of the Town Council's Planning Committee. In all such cases an invitation will also be sent to Wychavon Planning Officers to attend the meeting. These arrangements are to be made by the Town Clerk's Office.

Individual Councillors are advised not to speak independently to the applicant or developer.

**TERMS OF REFERENCE AND SCHEME OF DELEGATION  
STANDING COMMITTEES**

**COUNCIL - Matters to be resolved only by Council**

(Standing Orders 54, 78 and 88 also refer)

- a) All matters for which the approval of the Council is required by Statute.
- b) Approval of the Council's Estimates, Precept, any loans to the Council, the End of Year Accounts and the Annual Return.
- c) Determination of the approved staffing and methods of functioning of the Council.
- d) The appointment of Senior staff after report from the Resources Committee.
- e) The acquisition of land and buildings.
- f) The disposal, sale and leasing of land and buildings.
- g) The promotion of or opposition to any legislation.
- h) The institution or prosecution (but not the defence) of any legal proceedings or of any appeal in any such proceedings.
- i) The making, alteration and revocation of Standing Orders and regulations and bye-laws.
- j) The convening of Conferences of a public nature between the Council and local or other authorities.
- k) The giving of evidence before Royal Commissions, Departmental Committees or similar bodies and the expression of views on the reports of such bodies.
- l) The appointment of representatives on other bodies.

## **PLANNING COMMITTEE**

### Matters Not Delegated to the Committee

To advise the Council upon the adoption of the Town Plan

### Matters Delegated to the Committee

To undertake within the overall policies and approved budgets of the Council the following duties and functions:-

- i) Responding on behalf of the Council to all consultations on applications for development under Planning legislation, unless the Committee feels that the circumstances of the application are so significant that it wishes to make recommendations only to enable the matter to be determined by Council. .
- ii) Determination of responses on behalf of the Council in respect of all applications relating to the preservation, felling or other works with respect to trees and tree preservation orders.
- iii) Determination of the Council's response to any appeal against a planning decision by the District Council including the preparation of submissions to be made to an Inspector.
- iv) Determination of any responses to be made by the Council in relation to applications for licenses issued by the District Council including those relating to entertainment premises, justices licenses, taxi and private hire licensing and street collections.
- v) Acting as the consultee in respect all matters relating to the built environment, roads and highways, car parking, traffic management, footpaths, traffic regulations and bus shelters provided that where any proposals in relation to these matters would have a significant impact on the character of the town the Committee shall make recommendations to the Council.
- vi) To be responsible for all matters relating to the provision and control of street lighting.
- vii) To respond to consultation documents with regard to
  - a) The South Worcestershire Development Plan
  - b) Others as may be referred to the Committee from time to time

## **RESOURCES COMMITTEE**

### **MATTERS NOT DELEGATED TO THE COMMITTEE**

1. To advise the Council on its Corporate Policies and Strategies.
2. To advise the Council on the budget proposals of all Committees and the level of the precept to be levied each year, any loans to the Council, the approval of the end of year accounts and the Annual Return.
3. To advise the Council upon the disposal of any land asset.
4. To advise the Council on responses to be made to:-
  - a) The Structure of Local Government
  - b) All other consultation documents where responsibility for responding is not otherwise allocated to another committee.

### **MATTERS DELEGATED TO THE COMMITTEE**

1. To be responsible for all aspects of the financial administration of the Council including arrangements for preparation of the accounts, audit of accounts and for ensuring preparation of, and compliance with, the Council's financial regulations and internal control policy.
2. To be responsible for authorising legal proceedings in relation to contentious matters, subject to the likely costs associated therewith being included within the Council's budget.
3. To be responsible for advising the Council on Standing Orders in respect to the Conduct of Meetings, Code of Conduct for members and all similar documentation relating to the overall administration of the Council's affairs.
4. To undertake within the overall policies and approved budgets of the Council the following duties and functions:-
  - a. Determination of the level of financial assistance to be granted for Citizens' Advice Bureau, to the Droitwich Spa and Rural Council for Voluntary Service and to the Parochial Church Council towards the maintenance of St Mary de Witton Churchyard.
  - b. Determination of fees and charges for services provided by the Council.
  - c. Determination of subscriptions to be paid by the Council.
  - d. All matters relating to the preparation of the Council's accounts and the implementation of appropriate audit procedures.
  - e. Maintenance and development of IT facilities for the Council including development of the Council's website.

5. To undertake, within the overall policies and approved budgets of the Council, the powers, duties and functions for the management, control and development of St Richard's House.
6. To exercise all the powers, duties and functions of the Council and of any Committee where in the interests of the town, it is essential for decisions to be taken notwithstanding the fact that ordinarily the matter would have been referred to another Committee or to Council for determination.
7. To determine the Town Council's support for New Homes Bonus applications.

## **COMMUNITY AND AMENITIES COMMITTEE**

### **MATTERS NOT DELEGATED TO THE COMMITTEE**

- 1 Where expenditure exceeds the budget authorised in any current year, to refer the matter to the Resources Committee for concurrence upon expenditure.
- 2 To advise the Council on its recreational, open space, and allotment strategies and once adopted to implement those strategies.
- 3 To advise the Council upon Recreation, Leisure and Open Spaces issues within the Town Plan.
- 4 To advise the Council on Bye-laws with respect to Open Space and once adopted to ensure compliance with those Bye-laws.
- 5 To undertake the Council's functions in relation to flooding and to liaise with other public bodies on flood prevention schemes and other initiatives.
- 6 To make recommendations to Council upon the determination of the Terms and Conditions, including the level of commuted payments, for the transfer of open space land to the Council.

### **MATTERS DELEGATED TO THE COMMITTEE**

To undertake, within the overall policies and approved budgets of the Council, the following powers, duties and functions:-

1. Management, control and development of Copcut Park and Spring Meadow, the Council's parks and open spaces.
2. Management and control of the allotment sites at Vines Lane, Copcut Park, Chawson Lane and Westwood Lodge.
3. Management, control and development of the Community Hall and the Tourist Information/Heritage Centre at St Richard's House.
4. Management, control and development of the former allotments site at Kidderminster Road.
5. Maintenance of public seats and bus shelters.
6. Maintenance of flowerbeds, tubs, troughs, fences, railings and planters and other such property held by the Council.
7. Management of any fishing rights owned by the Council.
8. Management and arrangements for Christmas Lights and the Switch-On Event.
9. Determination of applications for grant aid submitted to the Council, with reference to the recommendations of the Grants Appraisal Panel thereon.

10. Recommending fees and charges to Resources Committee with regard to the areas and associated functions governed by the Committee.

## **PROCEDURE WHEN TOWN CLERK NOTIFIED OF A STANDARDS COMPLAINT**

The Clerk informs the Mayor of the complaint, unless the Mayor is the accused Councillor, in which case the Deputy Mayor be informed instead.

The matter be not included on the agenda for Town Council meetings or disclosed to other Councillors. [This to be unless the Clerk is aware that the matter is going to be in the public domain, in which case it might be appropriate to brief Councillors in closed session.\*]

If the matter is eventually in the public domain following an investigation and/or hearing, all Town Councillors be informed of the situation.

If a matter is in the public domain (in particular by being in the press) even though an investigation has not been initiated or concluded, the Clerk in consultation with the Mayor (or Deputy Mayor if the Mayor is the accused Councillor) decide whether or not the matter should be referred to, in closed session, at a Town Council meeting.

The Clerk co-operate with the Monitoring Officer (or Investigating Officer appointed in a particular case) re any request for the provision of copies of Town Council documents or other relevant information.

If the Clerk is intending to depart from any of these procedures, the Monitoring Officer will first be consulted.

*[\* included for clarification]*

## PROTOCOL ON RECORDING AT MEETINGS

[SEE STANDING ORDER NO 77]

Filming and audio recording of Town Council meetings, by representatives of the media and also by members of the public using small media tools, is permitted. There is no requirement to notify the Town Council in advance but the Chairman of a meeting reserves the right to suspend recording, where in their opinion the recording could interfere with the proceedings of the meeting, for example if there was disruption of the meeting, if it was considered that continued recording/filming might infringe the rights of any individual or where requests are received from other members of the public to cease recording when they speak. In addition, if the meeting moves into closed session due to the nature of the business being discussed and the public are excluded, then there shall be no recording permitted.

The Council asks those recording proceedings not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing an image or views expressed.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

No restrictions will be placed on any member of the public at a meeting in relation to the use of twitter, blogs, facebook and still photography, provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.