

# **MODEL STANDING ORDERS 2018 (ENGLAND)**

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## **INTRODUCTION**

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

## **HOW TO USE MODEL STANDING ORDERS**

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

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

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

## **DRAFTING NOTES**

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

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

A model standing order that includes brackets like this '( )' requires information to be inserted by a council. A model standing order that includes brackets like this '[ ]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

## 1. **RULES OF DEBATE AT MEETINGS**

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

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

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

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

## 3. **MEETINGS GENERALLY**

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

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



- directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 2 minutes.
  - h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
  - i A person shall raise his hand when requesting to speak.
  - j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
  - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
  - l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present, except during all or part of the meeting that excludes the public and press. The filming, photographing, recording or other reporting of a child or vulnerable adult at a Council or Committee meeting is not permitted unless an adult responsible for them has given permission.**
  - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
  - n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
  - o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
  - p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
  - q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting**

- **rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  - viii. if a Councillor needs to leave a meeting before it is closed, if possible they should inform the Chairman. The minutes will record the time that the Councillor left the meeting. Councillors may attend meetings even if they are aware in advance that they may have to leave before it is closed with the exception of the Grants Sub-Committee meeting.
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee*

*meeting.*

- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 ½ hours unless the officer and Chairman/Committee/Sub-Committee Chairman present agrees for the meeting to be extended.
- y The Chairman, Vice-Chairman and Clerk will sit at the top table except for the Planning & Highways Committee meeting. Non-Committee members do not have a vote and are required to sit at the other end of the table for clarity when Committee members vote on motions. The Planning & Highways Committee Chairman will specify where non-Committee members should sit at the start of the Planning & Highways Committee meetings.
- z All mobile devices should be set on silent or turned off during Council and Committee meetings.
- aa A member may not vote on an agenda item if the discussion regarding this item has already commenced before he was present at the meeting. This Standing Order does not apply if the Chairman has changed the running order of the agenda.

#### 4. **COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend, unless exceptional circumstances apply. If an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with this standing order ) attends the meeting, that member must act as a visitor only at the meeting and only the substitute may vote;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three; and no less than a third of the Committee/Sub-Committee membership;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.
- xiii. The Planning & Highways Committee has delegated powers to respond to the District Council to convey the views of the Planning & Highways Committee planning applications and related planning matters, such as appeals, District Council decisions, planning enforcement, planning consultations from other authorities and representation by the Town Council at Development Control meetings. The Planning & Highways Committee's responses to planning applications do not have to be restricted to material planning considerations;
- xiv. Council members who attend Committee or sub-Committee meetings but are not members may only speak after council members at the discretion of the Chairman of the meeting and are not allowed to vote;
- xv. Ex-officio members (Chairman and Vice-Chairman of the Council) make up the quorum of a Committee or Sub-Committee meeting and are entitled to vote. They may not attend Personnel Committee meetings unless an ex-officio member has previously been appointed to be a

member of the Personnel Committee;

xvi. Only appointed members of the Personnel Committee attend meetings.

- e Informal meetings may be authorised by the Town Clerk with the agreement of the Committee Chairman and Vice-Chairman with notification to all Committee members.

## **5. ORDINARY COUNCIL MEETINGS**

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

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);

- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 3 days of having been requested to do so by (one third) members of the committee [or the sub-committee], any ( one third) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## 7. **PREVIOUS RESOLUTIONS**

- a A resolution of the Council shall not be reversed within six months except either by a special motion, which requires written notice by at least 8 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## 8. **VOTING ON APPOINTMENTS**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes

shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

**9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 6 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. Clear days do not include the day of the notice or the day of the meeting. a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.



## 10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

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

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.** This includes recordings, broadcasting or transmitting the proceedings of a meeting.
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e The Charles Arnold Baker Book of Local Council Administration states that the following types of business shall be regarded as confidential:
  - i engagement, terms of service, conduct and dismissal of employees
  - ii terms of tenders and proposals and counter proposals in negotiations for contracts
  - iii preparation of cases in legal proceedings
  - iv the early stages of any dispute
  - v a Councillor in breach of the provisions of standing order 11(c) and (d) must be referred under the Code of Conduct to the Monitoring officer

## 12. DRAFT MINUTES

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

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

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

## 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

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

#### 14. CODE OF CONDUCT COMPLAINTS

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

A Councillor in breach of the provision of standing order 11(c) and d) must be referred under the Code of Conduct to the Monitoring Officer. In the High Court case of R (Harvey) v Ledbury Town Council [2018], it was held that the Town Council could not run a grievance procedure at same time or as a alternative to a Code of Conduct complaint. Any complaints regarding a Councillor's behaviour that falls within the standards regime should be referred to the Monitoring Officer.

15. **PROPER OFFICER**

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

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**

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

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

ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least ( 3 ) days before the meeting confirming his withdrawal of it;

iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**

iv. **facilitate inspection of the minute book by local government electors;**

v. **receive and retain copies of byelaws made by other local authorities;**

vi. hold acceptance of office forms from councillors;

vii. hold a copy of every councillor's register of interests;

viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);

x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(*see also standing order 23*).

## **16. RESPONSIBLE FINANCIAL OFFICER**

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

## **17 ACCOUNTS AND ACCOUNTING STATEMENTS**

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

expenditure) for the year to date;

iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March.

The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

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



- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- g. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

- h. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.
- i. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- j. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Personnel sub-committee is subject to standing order 11.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairman of the Personnel sub-committee or, if he is not available, the Vice-Chairman of the Personnel sub-committee of absence occasioned by illness, or other reason, and that person shall report such absence to the Personnel sub-committee at its next meeting.
- c The Chairman of the Personnel sub-committee, or in his absence the vice-chairman, shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The Town Clerk will conduct reviews of all other employees. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel sub-committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact

the chairman of the Personnel sub-committee or in his absence, the vice-chairman of the Personnel sub-committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel sub-committee.

- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the chairman or vice-chairman of Personnel sub-committee, this shall be communicated to another member of the Personnel sub-committee. If in breach of the Code of Conduct it must be reported to the Monitoring Officer.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), only persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).
- h The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(g) and (h) above shall be provided only to (post holder) and/or the Chairman of the Personnel sub-committee.
- j **Procedures for Handling Complaints**

Complaints from Members of the Public: The Town Council's procedure is in line with the NALC's Legal Topic Note, except for an appendix regarding the Government Ombudsman.

**Complaints against Members of Staff:** It was noted that the Town Council has Disciplinary and Grievance procedures in its Staff Handbook and that the NALC has recently updated their guidance in a Legal Topic Note. Matters should be referred to the Chairman of the Personnel Sub-Committee or the Vice-Chairman of the Personnel Sub-Committee as appropriate.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

*[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the appropriate committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*(Below is not an exclusive list).*

*See also standing order 11*

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

All Councillors are required to register annually as individuals with the information Commissioners Office (ICO). Councillors may apply for a refund of the annual fee from the Town Council. District Councillors will receive the refund from the District Council and this registration will also cover these Councillors for the Town Council. The Town Council may refund Councillors fees by using the General Power of Competence.

## **22 RELATIONS WITH THE PRESS/MEDIA**

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

### **Introduction**

1. Rayleigh Town Council ("the Council") is committed to the provision of accurate information about its governance, decisions and activities. Where this information is not available via the Council's publication scheme, please contact the Council's office.
2. The Council shall, where possible, co-operate with those whose work involves gathering material for publication in any form including use of the internet ("the media").
3. This policy explains how the Council may work with the media to meet the above objectives in accordance with the legal requirements and restrictions that apply.

### **Legal requirements and restrictions**

4. This policy is subject to the Council's obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the Freedom of Information Act 2000, the Data Protection Act 2018 other legislation which may apply and the Council's standing orders and financial regulations. The Council's financial regulations and relevant standing orders referenced in this policy are available via the Council's publication scheme.
5. The Council cannot disclose confidential information or information the disclosure of which is prohibited by law. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council's standing orders, under contract or by common law. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the Code of Conduct adopted by the Council, a copy of which is available via the Council's publication scheme.

## Meetings

6. A meeting of the Council and its committees is open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the public interest due to the confidential nature of the business or other special reason(s) stated in the resolution. In accordance with the Council's standing orders, persons may be required to leave a meeting of the Council and its committees if their disorderly behaviour obstructs the business of the meeting.

7. Where a meeting of the Council and its committees include an opportunity for public participation, the media may speak and ask questions. Public participation is regulated by the Council's standing orders.

8. The photographing, recording, filming or other reporting of a meeting of the Council and its committees (which includes e.g. using a mobile phone or tablet, recording for a TV/radio broadcast, providing commentary on blogs, web forums, or social networking sites such as Twitter, Facebook and YouTube) which enable a person not at the meeting to see, hear or be given commentary about the meeting is permitted unless (i) the meeting has resolved to hold all or part of the meeting without the public present or (ii) such activities disrupt the proceedings or (iii) paragraphs 9 and 10 below apply.

9. The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council or committee meeting is not permitted unless an adult responsible for them has given permission.

10. Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.

11. The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or committee meeting and for telephoning their report at their own expense.

12. The Council's standing orders will confirm if attendance by the public, their participation, photographing, recording, filming or other reporting is permitted at a meeting of a sub-committee.

## Other communications with the media

13. This policy does not seek to regulate councillors in their private capacity.

14. The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council's corporate position and views, they will make this clear.

15. The Council's Clerk (in liaison with the Council or Committee Chairman) may contact the media if the Council wants to provide information, a statement or other material about the Council.

## Press Releases

The Town Council should generate positive publicity in the form of press releases to be issued to all local newspapers and journals. All press releases will be **non-party political**. The issuing of press releases should be considered by members at Committee meetings on any matter under discussion, without the need for a

resolution by the Full Council. Press releases will be written by the Town Clerk and will contain a designated Town Council member's contact details including name, telephone number and status of member. The wording should be approved by the Committee Chairman and the Chairman of the Council.

### **Contact Initiated by the Media**

From time to time, the press will contact the Town Council office or members for a comment on a breaking news story. It is not satisfactory to state 'no comment'. In these circumstances the Town Clerk would liaise with the Council and Committee Chairmen as appropriate and will prepare a response. If a member is approached directly they should refer the caller to the Town Council office.

All matters discussed at meetings, which have been deemed by the Council as being 'Private and Confidential' should not under any circumstances be commented on by members to the press or in any other form of media communication such as websites. Any members who ignore the rules concerning private and confidential matters risk being reported to the Standards Board.

Councillors must make it clear when making public statements whether they are making a personal statement or are representing the Town Council or another organisation.

16. Subject to the obligations on councillors not to disclose information referred to in paragraph 5 above and not to misrepresent the Council's position, councillors are free to communicate their position and views.

Members may comment to the press on any issues concerning Rayleigh. If in doubt members should seek advice from the Town Clerk. The Media Relations policy is intended to deal solely with the Town Council's official business. The policy will not affect in any way an individual member or groups freedom to make political comment through their own resources.'

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

### **Purdah**

17. During the Purdah period in the run up to elections a quote must be sought from the Town Clerk rather than from a member. In the rare case that a major incident occurs during Purdah and the Town Clerk and Council Chairman agree that a member should provide a statement, a joint statement from group leaders will be issued. If this cannot be agreed by members the Town Clerk will issue the statement.

### **Social Media Policy for Members**

18. Rayleigh Town Council adopted RDC's Social Media Policy for Members in January 2018 (annex to Standing Orders).

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **[Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

*The above is applicable to a Council with a common seal.*

OR

**[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

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



## **24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised by the terms of reference of a committee or sub-committee, no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions to contractors and Town Council staff and Officers.

Any recommendations to be passed through the office and go through the clerks.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

- e All Councillors must sign that they have received the Standing Orders and agreed to abide by the content therein.

## **27 CIVIC REGALIA**

In the interests of the status and dignity of the office of Chairman of Rayleigh Town Council, its Chairman will wear the Chain of Office at all Civic events within Rayleigh and at all other occasions when it is appropriate. Outside of the town the Chain of Office should only be worn when invited to do so as a guest and in accordance with advice received by the Chairman from the Town Clerk.

## **28 SOCIAL MEDIA POLICY FOR MEMBERS**

### **RAYLEIGH TOWN COUNCIL SOCIAL MEDIA POLICY**

#### **1. Social Media Use by Town Council**

The Town Council has set up a Facebook page to promote its events. Town Council officers may update the page as approved by the Town Clerk. Councillors do not have access to update the page.

Town Council officers monitor the page during office hours, it is not monitored in the evenings or at weekends. Town Council officers may remove comments from this page that they view as being inappropriate.

#### **2. Private Social Media Use by Town Councillors**

This policy applies to all types of social media used in a private capacity by Town Councillors for their own use or on behalf of another organisation. Councillors are required to act in accordance with the Code of Conduct. Councillors should be aware that anything they publish on social media can be accessed by anybody with an internet connection and, once it has been posted, it will be a permanent online record. A common sense approach should be adopted by Councillors when using social media. A Councillor who fails to comply with this Policy may be subject to a standards complaint or personal liability.

##### Definitions

“Social Media” – for the purposes of this Policy, Social Media includes but is not limited to websites such as Facebook, Twitter, LinkedIn, YouTube, Google Plus, Yammer and Pinterest as well as all online public blogs.

“Personal Blog” – for the purposes of this Policy, a Personal Blog includes any blog that is the sole or joint responsibility of a Councillor i.e. it is owned, managed or maintained by a Councillor. This includes a Councillor’s blog hosted by a third party website e.g. a blog on Wordpress or Blogger.

“Media Devices” – includes mobile phones, tablets, cameras and any other

device capable of recording sound and image. For the purposes of this Policy, this definition will extend to both personally owned media devices as well as any media devices provided to a Councillor by the Council.

“Members of the Public” – any person who is not a Member of the Council or Officer taking part in the Council meeting. This includes journalists.

- (i) Have particular regard to Section 3 of the Member Code of Conduct and ensure that, even when online, they treat others with respect and conduct themselves in a manner that will not bring the Council into disrepute.
- (ii) Think before they publish – even if a post is deleted hastily, it will probably have been read several times and may have been indexed and duplicated online beyond reach.
- (iii) Be aware of their blurred personality online. Even if posting online in a personal capacity it is likely that they will be seen as acting as a representative of the Council and this should be made clear by the Councillor.
- (iv) Consider whether there are appropriate privacy settings in place for their Social Media accounts.
- (v) When setting up a Social Media account, consider posting a short statement disclosing their identity as a Councillor and the political party they represent.
- (vi) Be aware that, by publishing information obtained from their position as Councillor, they will be seen as acting as a representative of the Council.
- (vii) Be aware of irony – few writers are able to communicate sarcasm or irony through short online messages. Even if the intention was clear, the message may be misconstrued.
- (viii) Not be drawn into an online argument with someone clearly trying to provoke them. Simply do not respond. If the content may be considered defamatory or illegal, a Councillor should consider reporting the post to the Social Media site administrators.
- (ix) Be careful if publishing information regarding a forthcoming or on-going matter yet to be determined. Any indication of bias or pre-determination could result in the decision becoming void.
- (x) Be aware that sharing someone else’s post, e.g. ‘re-tweeting’ on Twitter or sharing on Facebook, may be interpreted as the Councillor agreeing or supporting its content.

- (xii) Always obtain permission when publishing photographs or videos from the persons or organisations in the photograph or video. Be particularly careful if using images of children.
- (xiii) Be particularly aware of their online presence during election periods. Councillors should note that legislation relating to electoral periods (e.g. the Representation of the People Act 1983) will also apply to the online publication of electoral material/statements relating to the election.

### **3. Councillor's use of Personal Blogs**

- a. Councillors will be personally responsible for their Personal Blogs. The Council has no responsibility for the Councillor's Personal Blog content or maintenance.
- b. If Councillors are using a third party website to host their Personal Blog they should familiarise themselves with the website's terms of service.  
Most blogging websites will make the content the responsibility of its owner. Additionally, most will also have a reporting and takedown procedure to flag up any potential issues with site administrators.
- c. If a Councillor is exclusively in charge of a Personal Blog (i.e. it is not hosted by a third party blogging site) they should consider producing their own terms of use in order to reduce liability and establish procedures to deal with potential breaches.
- d. Councillors need to be aware that they may be held personally liable for copyright and trade mark breaches, defamation, contempt of court and privacy infringements on their Personal Blogs. This may be the case even if a Councillor does not produce the offending content. A Councillor with a Personal Blog will have a duty to take reasonable care when dealing with the Personal Blog content.
- e. Councillors should actively try to monitor their Personal Blogs to ensure that any breach or infringement is dealt with quickly and expediently.  
In addition, it may be worth directing blog readers/contributors to an email or contact in order for users to flag up potential legal risks quickly to the Councillor or to the site administrators.
- f. Where a Councillor is responsible for a Personal Blog which stores or holds personal information (e.g. email addresses), they should be aware that they may need to register with the Information Commissioner's Office under Data Protection legislation.

### **4. Councillor's use of Media Devices during Council meetings**

- a. This Policy applies to all the meetings of the Council, all Committee

and Sub-Committee meetings and any other meetings held under the auspices of the Council, at which Members are present.

- b. The use of Social Media is not permitted during meetings, as it may distract from proceedings or demonstrate pre-determination or bias or give the impression of doing so.
- c. If a Councillor does need to take or make an urgent phone call, text or email during a meeting they must leave the room quietly, returning to their seat at an appropriate juncture of the meeting. They must not distract proceedings and need to remember that any phone call made or text or email sent must not show any indication of bias or pre-determination.
- d. The Chairman of a meeting may ask a Councillor who disregards any part of Section 5 of this Policy to refrain from using the Media Device and, where appropriate, to leave the meeting.
- e. Councillors are reminded that publishing information regarding a forthcoming or on-going decision may void that decision and/or be subject to a complaint.  
Similarly, there may be matters of a private or confidential nature which should not be published. A failure to comply with any of Section 5 of this Policy may result in the Councillor being made subject to a standards complaint or personal liability or the decision being subject to challenge.