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## **FINANCIAL REGULATIONS ACCOUNTANCY ARRANGEMENTS**

### **Financial Regulation No. 1:**

1. The Town Clerk shall arrange for the keeping of such detailed accounting records as are necessary to produce final accounts and such financial management information as is required.
2. The Town Clerk shall indicate the necessary accounting records to be kept and he or she or she shall issue from time to time detailed instructions for the operation of such systems as are necessary.
3. Any irregularity or suspected irregularity shall be immediately reported to the Town Clerk who will investigate the matter and, except in trivial cases, report thereon to the Council.

## **BUDGETARY PROCEDURES**

### **Financial Regulation No. 2:**

#### **Capital Projects**

1. When a report or proposed scheme likely to be a capital item is being prepared for the Council the Town Clerk shall report about the likely total cost, the method of financing and the likely revenue effects on the Council's annual budget and no contract involving capital expenditure shall be entered into or tender involving capital expenditure accepted until the Council is satisfied that the necessary funds are available or the requisite borrowing approval has been obtained.

#### **Revenue**

2. The Management Committee and the Planning and Environment Committee shall submit to the Policy Committee in such form and at such time as the Policy Committee shall decide the proposed capital and revenue expenditure to be incurred and the estimated income to be received in the ensuing financial year. The estimates shall be accompanied with full details of the financial effect of any proposal for development or extension of the service.
3. The Council shall prepare and have regard to a three year forecast of revenue and capital income and expenditure which shall be prepared at the same time as the annual estimates.
4. Except as provided below, no expenditure shall be incurred on a proposal for which no provision is made in the approved estimates without a supplementary estimate first being approved by the Council following consideration of a recommendation by the Policy Committee.

PROVIDED THAT supplementary estimates shall not be required and expenditure may be incurred without further approval:

- i) to meet increases in costs of salaries and wages and authorised expenses arising as a result of awards by a national negotiating body;
  - ii) to meet unavoidable increases in the cost of day-to-day items included in the estimates; and
  - iii) with the consent of the Chairman or the Vice-Chairman of the Management Committee and the Chairman or the Vice-Chairman of the Policy Committee, to cover the cost of first-aid repairs urgently needed to prevent damage to or deterioration of premises or to remove danger, or any unforeseen purpose where they are satisfied that delay would be detrimental to the best interest of the Council. Any action under this subparagraph shall be reported to the next meeting of the Management Committee, the Policy Committee and the Council.
5. Expenditure provided for in the estimates shall only be incurred after approval by the Management Committee except that approval by the Council of the estimates of the Committee shall unless the Council otherwise decide be deemed to be approval for the Town Clerk to incur expenditure upon:-
    - i) Salaries and wages and any other expenses of staff employed within the approved establishment.
    - ii) Claims which by statute have to be met.
    - iii) Repairs and maintenance of buildings, grounds and equipment.
    - iv) Normal day-to-day requirements of the service including minor works and replacement of equipment except those specifically shown in the estimates as items of a non-recurring category.

#### **Authorisation of expenditure**

6. Expenditure on goods and services within the estimates approved by the Council may be authorised, subject to the provisions of the Council's Standing Orders on Contracts, by the Town Clerk or the Deputy Town Clerk. The certification of an invoice by those officers prior to payment shall be taken to mean that the certifying officer is satisfied that the goods or services to be paid for have been received by the Council and represent proper value for money. In cases of emergency an order may be given by the persons authorised above and where items of a trivial amount are purchased from suppliers with whom no account is held payment may be

made on the authority of those officers in cash from an imprest account held for that purpose or by the use by the Town Clerk in person of any pre-paid card issued in the Council's name.

## **BANKING ARRANGEMENTS**

### **Financial Regulation No. 3:**

1. The Town Clerk shall be responsible for the operation of the Council's General Bank Account into which all monies due to the Council shall be paid. No payments shall be made from this account other than by way of transfers to other accounts operated on behalf of the Council. The Town Clerk may establish such other accounts as he or she or she deems necessary. The Town Clerk shall be responsible for arranging for the ordering and safe custody of cheques.
2. Cheques drawn on behalf of the Council shall be signed as required by Section 150(5) of the Local Government Act 1972.
3. No personal cheque shall be cashed out of money held by an employee on behalf of the Council.

## **LOANS AND INVESTMENTS**

### **Financial Regulation No. 4:**

1. The Town Clerk shall report to and obtain the authority of the Council before borrowing any monies on behalf of the Council.
2. All borrowings shall be effected in the name of the Council after any necessary borrowing approval has been obtained.
3. All loans to or from the Council shall be negotiated *in the name of the Council* by the Town Clerk and shall whenever possible be paid directly through the Head Office of the Council's Bankers.
4. The Council's Investment Policy shall be in accordance with the Trustee Act 2000 and shall be reviewed on a regular basis.
5. All investments of money under the control of the Council shall be in the name of the Council.
6. The Town Clerk shall be responsible for ensuring the safe custody of all investment certificates and other similar documents.

## **INCOME**

### **Financial Regulation No. 5:**

1. The Town Clerk shall approve and supervise arrangements for the collection and banking of all monies due to the Council.
2. All scales of charges made for use of the Council's buildings and facilities shall be reviewed at least annually by the Management Committee and shall be recommended to the Council for implementation.
3. No debt may be written off without the authority of the Council save that the Town Clerk may:
  - i) Write off debts of less than £250 where he or she or she is satisfied that the cost of collection would exceed the amount of the debt subject to a report being made to the Management Committee at its next meeting; and
  - ii) Settle the legal proceedings relating to debts.
4. The design and ordering of official receipts and tickets shall be carried out by or on behalf of the Town Clerk who will be responsible for ensuring that satisfactory arrangements are in place for their security.

## **CONTRACTS**

### **Financial Regulation No. 6:**

1. The Town Clerk shall arrange for the keeping of a Register of Contracts.
2. Every contract shall comply with these Financial Regulations and no exceptions shall be made otherwise than in an emergency save that these Regulations shall not apply to contracts –
  - i) for the supply of gas, electricity, water, sewerage and telephone services;
  - ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract;
  - v) for additional audit work of the External Auditor;
  - vi) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
3. The final sum due under any contract shall not be certified for payment until the Town Clerk has carried out or arranged for an audit examination of the final account.



## **PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

### **Financial Regulation No. 7:**

1. The Town Clerk shall be responsible for ensuring that payments on account of the contract sum within the time specified upon authorised certificates of the Architect or other consultant engaged to supervise the contract are made subject to any percentage retention as may be specified in the particular contract.
2. Where contracts provide for payment by instalments the Town Clerk shall arrange for a record of all such payments to be maintained. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum by 5% or more a report shall be submitted to the appropriate Committee of the Council.

## **STORES AND EQUIPMENT**

### **Financial Regulation No. 8:**

1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
2. Delivery notes must be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order, quality and quantity at the time delivery is made.
3. Stocks shall be kept at the minimum levels consistent with operational requirements.
4. The Town Clerk shall arrange for periodic checks of stocks and stores.

## **PROPERTIES AND ESTATES**

### **Financial Regulation No. 9:**

1. The Town Clerk shall make appropriate arrangements for the safe custody of all title deeds, leases, licences and other documents relating to the Council's ownership or occupation of land or properties and shall ensure that a record is kept of all properties owned or occupied by the Council in accordance with Regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.
2. No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible moveable property does not exceed £50.

## **INSURANCE**

### **Financial Regulation No. 10:**

1. The Town Clerk shall be responsible for ensuring that adequate insurance cover is provided for all the Council's insurable activities, for maintaining a record of all insurances effected by the Council and for ensuring that the levels and types of cover are reviewed annually.
2. All employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## **IMPREST ACCOUNTS**

### **Financial Regulation No. 11:**

1. Where it appears to the Town Clerk that the establishment of a Petty Cash Imprest Account would be desirable such accounts shall be set up. Individual officers having control of such accounts shall be responsible for the safe custody of such monies.
2. Cash receipts must not be paid into an Imprest Account but must be banked in accordance with the Council's approved procedures.
3. Cash must be kept in a safe place at all times.

## **SALARIES AND WAGES**

### **Financial Regulation No. 12:**

1. The payment of all salaries, wages, emoluments or allowances to all employees and former employees of the Council shall be made in accordance with arrangements to be approved by the Town Clerk.
2. All time sheets or other pay documents shall be in a form prescribed by the Town Clerk and shall be certified in manuscript either by him or her or by some other person expressly authorised to do so.

## **ACCOUNTING AND AUDIT**

### **Financial Regulation No. 13:**

1. The Town Clerk shall be responsible for ensuring that all the accounting procedures and financial records of the Council comply with the requirements of the Accounts and Audit Regulations (England) 2011 as amended.

2. The Town Clerk shall be responsible for ensuring the completion of the annual financial statements of the Council as soon as practicable after the end of the financial year and for their submission and report to the Council.
3. The Town Clerk shall be responsible for ensuring the completion of the Council's final accounts and their subsequent auditing in accordance with the requirements of the Accounts and Audit Regulations (England) 2011 as amended.
4. The Town Clerk shall be responsible for ensuring that there is an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 6 of the Accounts and Audit Regulations (England) 2011 as amended by a competent person or persons, independent of the operations of the Council.
5. Any officer or member of the Council shall, if the Town Clerk or the Internal Auditor requires, make available such documents of the Council which appear to the Town Clerk or the Internal Auditor to be necessary for the purpose of the internal audit and shall supply the Town Clerk or the Internal Auditor with such information and explanation as the Town Clerk or the Internal Auditor considers necessary for that purpose.
6. The Internal Auditor shall report to the Council in writing on a regular basis.
7. The Town Clerk shall be responsible for ensuring that arrangements are in place for the inspection of the accounts, books and vouchers required by Section 15 of the Audit Commission Act 1998 and the Accounts and Audit Regulations (England) 2011 as amended.
8. The Town Clerk shall as soon as practicable bring to the attention of all councillors any correspondence or report from the External or Internal Auditor unless the correspondence is of a purely administrative nature.

### **RISK MANAGEMENT**

#### **Financial Regulation No. 14:**

1. The Town Clerk shall be responsible for ensuring the preparation and promotion of risk management policy statements in respect of all activities of the Council.
2. When the Council is considering embarking on any new activity the Town Clerk shall arrange for the preparation of a draft risk management policy statement for the activity under consideration and shall submit it to the Council for consideration.

### **REVISION OF FINANCIAL REGULATIONS**

#### **Financial Regulation No. 15:**

It shall be the duty of the Council to review these Financial Regulations from time to time.

### **INTERPRETATION**

#### **Financial Regulation No. 16:**

These Financial Regulations shall be read in conjunction with the Standing Orders of the Council as amended from time to time.

## **STANDING ORDERS MEETINGS OF THE COUNCIL**

### **Standing Order No. 1:**

1. The Annual Meeting of the Council and other meetings of the Council shall be held in the Municipal Buildings, Dorchester on such dates as may be fixed by the Council.
2. The Mayor (or, in his or her absence, the Deputy Mayor) may at any time call a Special Meeting of the Council and shall do so on the requisition in writing of two or more Members of the Council.

### **Standing Order No. 2:**

The time for commencing business on the day of every Council meeting shall be 7.00p.m., unless otherwise determined by the Council.

## **PRESENCE OF PUBLIC**

### **Standing Order No. 3:**

The statutory right of the public to attend meetings shall be subject to common law rules as to

- (a) the availability of reasonable accommodation for the public to attend; and
- (b) all powers of the Chairman or the Committee to exclude any person or persons from a meeting or to adjourn a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. The public must at all times conduct themselves in a becoming manner.

If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn him or her.

If he or she continues the interruption the Chairman shall order his or her removal from the meeting room or Chamber. In the case of general disturbance in any part of the meeting room or Chamber the Chairman shall order that part to be cleared.

## **CHAIRMAN AND VICE-CHAIRMAN**

### **Standing Order No. 4:**

The Mayor and Deputy Mayor shall be appointed at the Annual Meeting of the Council.

### **Standing Order No. 5:**

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 - MEETINGS OF THE COUNCIL**

### **Standing Order No. 6:**

Seven Members shall constitute a quorum. If immediately before or during any meeting of the Council, the Chairman after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted at that meeting shall be transacted at the next meeting or such other day as the Chairman may fix.

## **AGENDA**

### **Standing Order No. 7:**

1. The Town Clerk shall append to every summons for a meeting of the Council notice of all business which in his or her judgement requires to be brought before the Council, and of all other business of which notice in writing, by way of Notice of Motion signed by a Member of the Council, has been duly given.
2. The Minutes of the various Committees shall be reproduced and, where applicable, a copy sent to each Member of the Council with the summons of the meeting of the Council at which the said Minutes are to be considered.

## **ORDER OF BUSINESS**

### **Standing Order No. 8:**

1. Except where the Council on the ground of urgency vary the order of business in accordance with Part (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
  - a) To choose a person to preside if the Mayor and the Deputy Mayor be absent.
  - b) Any business required by statute to be done before any other business.
  - c) To read and approve as a correct record the Minutes of the last Meeting of the Council. Provided that if a copy of such Minutes has been circulated to each Member of the Council prior to the Meeting they shall be taken as read.
  - d) To deal with business expressly required by statute to be done
  - e) To receive such communications as the Mayor or the Town Clerk may desire to lay before the Council.
  - f) To answer questions asked pursuant to Standing Order 12.

- g) To dispose of any business (if any) remaining from the last Meeting.
  - h) To receive and consider reports of minutes of Committees as specified in the summons calling the Meeting.
  - i) To receive and consider reports from officers of the Council as specified in the summons calling the Meeting.
  - j) To consider notices of motion in the order in which they have been received by the Town Clerk.
  - k) To authorise the sealing of documents so far as the Council's authority is required by statute or these Standing Orders.
  - l) Other business, if any, as specified in the summons convening the Meeting.
2. Business falling under items (a), (b) and (c) of Part 1. of this Standing Order shall not be displaced, but subject to that this order of business may be varied by the Mayor at his or her discretion or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **NOTICES OF MOTION**

### **Standing Order No. 9:**

#### **Register**

1. Except as provided by Standing Order 10, every Notice of Motion shall be in writing, signed by the Member or Members of the Council giving the notice, and delivered at least seven clear days before the next Meeting of the Council at the office of the Town Clerk by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member of the Council.

#### **Motions to be in Summons**

2. The Town Clerk shall insert in the summons for every Meeting of the Council all Notices of Motion duly given in the order in which they have been received, unless the Member giving such a notice has, when giving it, stated in writing that he or she proposes to move it at some later Meeting, or has withdrawn it in writing.

#### **Motions not moved**

3. If a motion, notice of which is specified in the summons, is not moved either by the Member who gave the notice or by some other Member on his or her behalf it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

#### **Motions to be relevant**

4. Every notice of motion shall be relevant to some question over which the Council has powers, or which affects the Town.

#### **Motions to stand referred to Committee**

5. Motions for which notice has been duly given, the subject matter of which comes within the province of any Committee or Committees, shall upon being moved and seconded stand referred without discussion to such Committee or Committees, or to such other Committee or Committees as the Council may determine, for consideration and report, provided that the Mayor may, if he or she considers it convenient and conducive to the dispatch of business, allow such motion to be dealt with at the Meeting at which it is brought forward.

#### **Improper Motions**

6. If the Town Clerk receives a Notice of Motion which he or she believes should not be inserted in the summons he or she shall, before inserting it, submit it to the Mayor who, if he or she is of the opinion that the motion is vexatious, scurrilous or otherwise improper, may direct that the Notice should be returned with an intimation that it will not be inserted in the summons, and the Town Clerk shall return it accordingly.
7. No motion on notice substantially the same as a motion on notice negatived within the then preceding six months shall be allowed.

## **MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE**

### **Standing Order No. 10:**

The following motions and amendments may be moved without notice:

- Appointment of a Chairman of the Meeting under Standing Order 1. (a).
- For dealing with any routine business.
- Motions relating to the accuracy of the Minutes, closure, adjournment, order of business, next business

or that the question be now put.

- Reference to a Committee.
- That the Council do resolve itself into Committee.
- That the Council under Standing Order 20 do resolve to consider otherwise than in Committee a question affecting a person employed by them.
- Appointment of Committees or Members thereof, or of representatives or nominees of the Council on outside bodies, so far as arising from an item mentioned in the summons to the meeting.
- Reception, adoption and approval of reports and recommendations of Committees or officers and any consequent resolutions.
- That leave be given to withdraw a motion.
- Amendments to motions.
- Authorising the sealing of documents.
- Extending the time limit for speeches.
- That an item of business specified in the summons have precedence.
- Suspending Standing Orders, or any one or more of them.
- Excluding the Press.
- Excluding the Public.
- That a Member named under Standing Order 15 be not further heard or do leave the meeting.
- Inviting a Member to remain under Standing Order 23.
- Giving consent of the Council where the consent of the Council is required by these Standing Orders.

## **MEMORIALS AND MAYOR'S COMMUNICATIONS**

### **Standing Order No. 11:**

Every memorial or other communication addressed to the Council shall be brought before the Council as a Mayor's communication and shall, at the Chairman's request, be read by the Town Clerk, provided that no such memorial or other communication shall be brought before the Council as a Mayor's communication if it relates to a matter within the scope of the powers and duties of one of the committees appointed by the Council, but any such memorial or communication shall be read by the Town Clerk at the Council meeting on a request in that behalf made to the Chairman by any two Members of the Council.

## **QUESTIONS**

### **Standing Order No. 12:**

#### **Questions on proceedings of Committees**

1. A Member of the Council may ask the Chairman of a Committee any question on the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is concluded.
2. A Member shall not ask any question which relates to any employee of the Council, his or her duties, manner of carrying out those duties or his or her salary without having first addressed such question in writing to the Chairman of the employing Committee not later than two days prior to the Meeting.

#### **Questions relating to the business of the Council to be written**

3. (a) A Member of the Council may, if two clear days' notice in writing has been given to the Town Clerk, ask the Mayor or the Chairman of any Committee any question relating to the business of the Council or which affects the town.  
(b) With the permission of the Chairman put to him or her or to the Chairman of any committee questions relating to urgent business provided that in such instance a copy of any such question shall have been delivered in writing to the Town Clerk not later than 10 o'clock in the morning of the day of the Meeting.

#### **Procedure**

4. Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
5. A Member asking a question may preface his or her question with a short explanation of his or her reason for asking that question.
6. Decisions duly made under delegated powers shall not be open to alteration or rescission. However, questions may be put relating to the exercise of the delegated powers referred to in the Minutes of any Committee before the Council without notice. No discussion by any Member will be permitted. Following such questions and replies thereto by the Chairman of the Committee concerned or other

Member moving the Minutes, the only motions which may be moved by the Member who has given notice are as follows:

- a) that the Committee concerned be instructed to submit a report to the Council giving further information about the matter in question;
  - b) that the Committee concerned be instructed (in accordance with the terms of the motion) as to the future policy to be adopted in relation to any matters of a similar nature.
7. Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to Members of the Council with the Minutes of the Meeting at which the question has been asked.

## **ADOPTION OF MINUTES**

### **Standing Order No. 13:**

As soon as the Minutes have been read, or if they are under Standing Order 7 taken as read, the Mayor shall put the question "that the Minutes of the Meeting of the Council held on the     day of     be signed as a true record".

No motion or discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

## **RULES OF DEBATE**

### **Standing Order No. 14:**

#### **Motions, etc., to be proposed and seconded and, if required by the Mayor, in writing**

1. A motion or amendment shall not be discussed nor voted upon unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Mayor, be reduced to writing and handed to the Mayor before it is further discussed or put to the Meeting, and any motion or amendment which has been duly moved and seconded shall not be withdrawn unless by permission of the Meeting.

#### **Seconder may reserve speech**

2. A Member when seconding a motion or amendment may, if he or she then declares his or her intention to do so, reserve his or her speech until a later period of the debate.

#### **Members to stand**

3. A Member shall stand when speaking, and shall address the Mayor. If two or more Members rise, the Mayor shall call on one to speak and the other or others rising shall forthwith resume their seats unless they wish to speak in respect of a point of order or in personal explanation to which Paragraph 11 of this Standing Order applies.

#### **Speeches to be relevant. Length of speeches**

4. A Member shall direct his or her speech to the question under discussion or to an explanation or to a question of order. No speech shall exceed ten minutes except by consent of the Council.

#### **Amendments - Form of**

5. Every amendment must be relevant to the subject matter of the motion, must be stated to the Council before the mover speaks on it, must raise an issue distinct in effect from any previously rejected amendment, and must either add words to and/or delete words from the motion or refer the motion to a Committee for consideration or reconsideration. A proposition which is expressly or in effect a direct negative to a motion shall not be in order as an amendment.

#### **Other amendments on original motion - Amendment carried to become substantive motion**

6. When an amendment to a motion is moved, no further amendment shall be moved until the first is disposed of; but any number of amendments may be brought forward in succession, and the question must be put from the chair in such a manner that if one amendment is negatived another may be moved on the original motion; but if an amendment is carried, it shall displace the original motion and become itself the substantive motion, on which further amendments may be moved. If, after disposal of an amendment, no second or further amendments are moved, the original or amended motion, as the case may be, must be forthwith put from the chair.

#### **Amendments, limitation**

7. The mover or seconder of an amendment shall not move or second any other amendment on the same substantive motion without the leave of the Council.

**One speech only except by Mover - Other exceptions**

8. A Member (with the exception of the Chairman) who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- a) to speak once on an amendment moved by another Member.
  - b) if the motion has been amended since he or she last spoke, to move a further amendment.
  - c) if his or her first speech was on an amendment moved by another Member, to speak on the substantive motion, whether or not the amendment on which he or she spoke was carried.
  - d) in exercise of a right of reply given by Part 17 of this Standing Order.
  - e) on a point of order.
  - f) by way of personal explanation.

**Motions to close debate**

9. A Member may at the conclusion of a speech of another Member move without comment, "That the question be now put", "That the debate be now adjourned", "That the Council proceed to the next business", or "That the Council do now adjourn", on the seconding of which the Mayor, if in his or her opinion the question before the meeting has been sufficiently discussed, shall, subject to the right of reply given by Part 17 of this Standing Order, put that motion to the vote and if it is carried the question before the Meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that day or the Meeting shall stand adjourned, as the case may be.
10. No Member who has already spoken on the matter then under discussion shall be eligible to move the closure of the debate.

**Points of order and personal explanations**

11. A Member may at any time rise and address the Mayor on a point of order or in personal explanation arising out of any motion, speech or debate. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the Member shall specify the standing order or statutory provision and the way in which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her at the same meeting which may have been misunderstood. A Member so rising shall be entitled to be heard forthwith.
12. The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

**Members to be seated and silent when the Mayor rises**

13. Whenever the Mayor rises during a debate any Member then speaking or standing shall resume his or her seat and the Council shall be silent and no one shall rise until the Chair is resumed.

**Alteration of Motion**

14. A Member may with the consent of his or her seconder and of the Council, signified without discussion, alter a motion which he or she has proposed or of which notice has been given if the alteration is one which could have been moved as an amendment to it.

**Withdrawal of motions and amendments**

15. A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and no Member shall speak on it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

**Limitation of motions to be moved during debate**

16. When a motion is under debate no other motion shall be moved except the following:-
- a) to amend the motion;
  - b) to postpone consideration of the motion;
  - c) to adjourn the meeting;
  - d) to adjourn the debate;
  - e) to proceed to the next business;
  - f) that the question be now put;
  - g) that a Member be not further heard;
  - h) that a Member do leave the Meeting;
  - i) that the subject of debate be referred back to Committee;
  - j) that the Council go into Committee.

**Right of Reply**

17. The proposer of a motion shall have a right to reply at the close of the debate on the motion immediately before it is put to the vote, or before the motion "That the debate be now adjourned", "That the Council proceed to the next business", or "That the Council do now adjourn", is put. If an amendment is proposed

he or she shall be entitled to reply at the close of the debate on the amendment. A Member exercising a right of reply shall not introduce new matter. After every reply to which this Standing Order refers a decision shall be taken without further discussion.

### **DISORDERLY CONDUCT**

#### **Standing Order No. 15:**

If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconducts himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council or in such a manner as to bring the Council into disrepute, a Member may move "That the Member named be not further heard" or "That the Member named do leave the Meeting" and the motion if seconded shall be put and determined without discussion.

### **SUSPENSION OF SITTING**

#### **Standing Order No. 16:**

If, after a motion under Standing Order 15 has been carried, the misconduct or obstruction is continued, and in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor, in addition to any other power vested in him or her, may without question put adjourn or suspend the sitting of the Council for such period as he or she in his or her discretion shall consider expedient.

### **RECISSION OF PREVIOUS RESOLUTION**

#### **Standing Order No. 17:**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be proposed unless the notice of it given in pursuance of Standing Order 9 bears the names of not less than one-third of the Members of the Council. When any such motion has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions moved in pursuance of a report or recommendation of a Committee.

### **VOTING**

#### **Standing Order No. 18:**

1. Only those Members of the Council who are present in the Council Chamber when the question is put from the chair shall be entitled to vote. All questions shall be determined by "aye" or "no" or by show of hands at the discretion of the Chairman, unless the votes are ordered to be recorded which shall be done at the discretion of the Chairman or at the request of the mover or seconder of the motion or amendment then before the Council, with in either case the assent of not less than three of the Members of the Council present, and in that case each Member shall, in response to the call of his or her name, declare his or her vote or state he or she is neutral with respect to the matter at issue.
2.
  - a) Subject to b) and c) below, the Mayor may give an original vote on any matter put to the vote.
  - b) Subject to c) below, the Mayor may not give an original vote in the election of the Mayor on any occasion when he or she will himself or herself immediately after such election retire from the Council.
  - c) In any case of an equality of votes, the Mayor may give a second or casting vote.
3. In the case of an equality of votes on an original motion, amendment, or substantive motion, and the Chairman declines to give a second or casting vote, such motion or amendment shall fall and not be moved again at that Meeting.

### **VOTING ON APPOINTMENTS**

#### **Standing Order No. 19:**

Where there are more than two persons nominated for any appointment or position to be filled by the Council, and of the votes given there is not a 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 shall be taken, and so on until a majority of votes is given in favour of one person. This Standing Order shall not apply in any case where the method of voting is prescribed by statute.

### **MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

#### **Standing Order No. 20:**

If any question arises at a Meeting of the Council as to the appointment, promotion, dismissal, salary, pension, superannuation allowance, conditions of service, or conduct, of any person employed by the Council, it shall be considered by the Council in Committee.



## **MOTIONS ON EXPENDITURE**

### **Standing Order No. 21:**

Any motion which is moved otherwise than in pursuance of a recommendation or report of the Policy Committee or of another Committee after the recommendation or report has been approved by the Policy Committee, and which if carried would materially increase the expenditure on or reduce the revenue from any service which is under the management of the Council, or 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 such a motion shall consider whether it desires to report on it. The Policy Committee shall report on the financial aspect of the proposal.

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

### **Standing Order No. 22:**

1. The public and the press shall be admitted to all Meetings of the Council and its Committees, Sub-Committees, Working Groups and Panels which may, however, temporarily exclude the public or the press or both while, owing to the special nature of the business being dealt with or about to be dealt with, such exclusion is considered advisable in the public interest.
2. At all meetings of the Council and its Committees, Sub-Committees, Working Groups and Panels, the Chairman may at his or her discretion, and at a convenient time in the transaction of business, allow any member of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 22nd May, 2007 shall apply to members of the Council in respect of the entire meeting. Where, however, members of the Council exercise their rights pursuant to Standing Order 45.2 below, members of the public shall be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
3. The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
4. If a member of the public interrupts the proceedings at any Meeting the Mayor may, after warning, order that he be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

## **INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

### **Standing Order No. 23:**

If any Member of the Council has a prejudicial interest as defined in the Council's Code of Conduct for Members in any contract, proposed contract, or other matter, the Member shall withdraw from the Meeting while such contract, proposed contract, or other matter, is under consideration by the Council, unless he or she has obtained a dispensation from the Standards Committee of the West Dorset District Council.

### **Standing Order No. 24:**

The Town Clerk shall record in a book to be kept for the purpose particulars of any notice given by any Member or Officer of the Council of a prejudicial interest in a contract, proposed contract or other matter and the book shall be open during office hours to the inspection of any Member of the Council.

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

### **Standing Order No. 25:**

1. Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for the appointment. The significance of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments or in the form of application.
2. A Member of the Council shall not solicit for any person any appointment under the Council, or recommend any person for appointment or for promotion; but this paragraph of this Standing Order shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character, for submission to the Council with an application for appointment.

## **RELATIVES OF MEMBERS OR OFFICERS**

### **Standing Order No. 26:**

Candidates for any appointment under the Council shall when making application disclose in writing to the Town Clerk whether to their knowledge they are related to any Member of or the holder of any senior office under the Council. A candidate who fails to do so shall be disqualified for such appointment and if appointed shall be liable to dismissal without notice. Every Member and senior officer of the Council shall disclose to

the Council any relationship known to him or her to exist between himself or herself and a candidate for an appointment of which he or she is aware. It shall be the duty of the Town Clerk to report to the Council or to the appropriate Committee any such disclosure made to him or her.

Where relationship to a Member of the Council is disclosed the Standing Order heading "Interest of Members in contracts and other matters" shall apply.

The purport of this Standing Order shall be stated either in the advertisement inviting applications for appointment or in any form of application supplied for use by candidates.

For the purpose of this Standing Order "senior office" and "senior officer" mean those designated as such by the Council, and persons shall be deemed to be related if they are a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; "partner" above means a member of a couple who live together.

## **FILLING OF VACANCIES AND NEW OFFICES**

### **Standing Order No. 27:**

1. When a vacancy occurs in any existing office in the appointment of the Council, or the creation of a new office is proposed, the Town Clerk shall inform the Policy Committee, who in consultation with any other Committee primarily served, shall consider whether the office (not being an office which by statute the Council is required to fill) is necessary and what shall be the terms or conditions of the office and shall report to the Council at their next Meeting.

For the purposes of this part of this Standing Order it shall be deemed that a Committee has been consulted if there has been consultation with their Chairman, Vice-Chairman if any, and one other Member (or if there be no Vice-Chairman, two other Members) designated by the Chairman of the Committee.

2. Save as provided in paragraph 3. of this Standing Order the power to conduct interviews for all full-time and part-time staff and make any resultant appointment shall be exercisable by the Town Clerk subject to the Council's right to give contrary instructions in special cases.
3. Paragraph 2. above shall not apply to the posts detailed below. Interviews for these posts shall be conducted by the group of Members specified in respect of each post or by such other group of Members as the Council may determine to make any resultant appointment:

Town Clerk	Resources Panel
Deputy Town Clerk	Chairman and Vice-Chairman of the Policy Committee and Chairman <b>or</b> Vice-Chairman of the Resources Panel.
Mayor's Secretary	The Mayor and Chairman and Vice-Chairman of the Policy Committee
Compliance Manager	Chairman and Vice-Chairman of the Management Committee and Chairman <b>or</b> Vice-Chairman of the Resources Panel.

## **CUSTODY OF SEAL**

### **Standing Order No. 28:**

The Common Seal of the Council shall be kept in some safe place and shall be secured by two different locks, the keys of which shall be kept respectively by the Mayor and the Town Clerk. Provided that the Mayor may entrust his or her key temporarily to the Deputy Mayor or to another Member of the Council with a written authority to such Member to exercise his or her powers, and similarly the Town Clerk may entrust his or her key temporarily to any officer appointed by the Council.

## **SEALING OF DOCUMENTS**

### **Standing Order No. 29:**

#### **Authority for Sealing**

1. The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee acting under delegated powers in this behalf, but a resolution of the Council (or of a Committee where that Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

#### **Seal to be attested - Register of sealing**

2. Save as mentioned in 3. below all deeds, instruments and writings affecting the interests of the Council to which the Common Seal is required to be affixed shall be sealed in the presence of and shall be attested by

the Mayor (or his or her Deputy) and the Town Clerk and a book shall be kept in which shall be recorded the sealing of all documents.

3. Nothing in this Standing Order shall require a Seal affixed to a Grant of Exclusive Right of Burial to be attested by the Mayor (or his or her Deputy) or to be entered in the Register of Sealing.

### **SIGNATURE OF DOCUMENTS**

#### **Standing Order No. 30:**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Town Clerk.

### **INSPECTION OF DOCUMENTS**

#### **Standing Order No. 31:**

1. A Member may for the purpose of his or her duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied with a copy for the purpose of his or her duty.
2. All Minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.
3. The Minutes of the Council shall be open to inspection by any elector without payment.

### **INSPECTION OF LANDS, PREMISES ETC.**

#### **Standing Order No. 32:**

Unless specifically authorised to do so by the Council or a Committee a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his or her membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

### **APPOINTMENT OF COMMITTEES**

#### **Standing Order No. 33:**

The Council shall at its Annual Meeting appoint the Standing Committees and may at any time appoint such other Committees as are necessary to carry out the work of the Council, but, subject to any statutory provision in that behalf:

- a) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting of the Council;
- b) may at any time dissolve or alter the membership of a Committee.

### **PROCEEDINGS IN COMMITTEE TO BE CONFIDENTIAL**

#### **Standing Order No. 34:**

In relation to a matter dealt with or brought before a Committee, Sub-Committee, Working Group or Panel (including the Council in Committee) at any meeting from which the public and representatives of the press are excluded during the consideration of that matter in making any public statement on the outcome of the meeting no Member or Officer shall reveal any information which resulted in, or contributed towards, the decision to exclude the public and the press during the consideration of the matter, and any comment on the decision reached shall be couched in such terms as do not breach the requirement of confidentiality.

### **PLANNING APPLICATIONS**

#### **Standing Order No. 35:**

All Plans submitted to the Council for comment in accordance with current Planning legislation shall stand referred without motion or debate to the Planning and Environment Committee and it shall be their duty to meet as often as is necessary to ensure that this function is exercised within the period or periods prescribed by law.

### **LIST OF COMMITTEES**

#### **Standing Order No. 36:**

The following Committees shall be the Standing Committees of the Council:

Policy Committee

Management Committee

Planning and Environment Committee

## **SELECTION MATTERS**

### **Standing Order No. 37:**

#### **Mayoral Selection Committee**

1. A Committee of Mayoral Selection shall meet every year as and when necessary to formulate a recommendation to the Council as to the choice of the succeeding Mayor and to consider and make recommendations to the Council on such other matters relating to the operation of the Mayoralty and on the creation of Honorary Townspeople as may be required. The Committee shall be chaired by the Deputy Mayor for the time being and shall consist of all past mayors for the time being serving on the Council. The immediately preceding Deputy Mayor shall act as Vice-Chairman of the Committee.

#### **Selection Committee**

2. A Committee of Selection to appoint Committees shall meet every year between the date of the Council Elections (when held) and the date of the Annual Meeting of the Council, or otherwise not later than ten days before the date of the Annual Meeting, and shall report to such Annual Meeting. The Committee shall consist of the Mayor, or the Deputy Mayor, and the two Senior Councillors in each Ward who shall be available.

## **COMPOSITION OF COMMITTEES**

### **Standing Order No. 38:**

Except where otherwise provided by statute or a scheme made under statutory authority, the Mayor shall be an ex-officio member of every Standing Committee, Sub-Committee, Working Group or Panel appointed by the Council.

## **ELECTION OF CHAIRMEN OF COMMITTEES**

### **Standing Order No. 39:**

1. The Council at its Annual Meeting shall appoint, from among the voting Members, a Chairman and Vice-Chairman for each Standing Committee of the Council.
2. Each Standing Committee shall at its first meeting following the Annual Meeting of the Council appoint a Chairman for each standing Sub-Committee, Working Group or Panel of the Committee.
3. No person shall be appointed Chairman or Vice-Chairman of any Committee unless the person is a Member of the Council.
4. No person shall be appointed Chairman of any Sub-Committee, Working Group or Panel unless the person is a Member of the Council and is also a member of the parent Committee.
5. Any casual vacancy for Chairman or Vice-Chairman of any Committee arising during the year shall be filled by the Committee concerned subject to ratification by the Council at its next Meeting.
6. Any casual vacancy for Chairman of any Sub-Committee, Working Group or Panel arising during the year shall be filled by the Sub-Committee, Working Group or Panel concerned subject to ratification by the parent Committee at its next meeting.
7. In the absence of both the Chairman and the Vice-Chairman from a meeting the Committee or other body as the case may be shall appoint a Chairman for the Meeting.

## **MEETINGS OF COMMITTEES**

### **Standing Order No. 40:**

1. The Town Clerk shall have authority to convene ordinary meetings of any Committee, and the notice sent to each member of the Committee shall contain, so far as possible, all items of business to be considered at such meetings.
2. The Chairman of a Committee or the Mayor may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting, and no other business shall be considered at that meeting except with the consent of the Chairman of the meeting in the case of urgent items.
3. If a meeting is still in progress two hours after its appointed time for commencement the Committee shall conclude its consideration of the item under discussion and, before proceeding to consider the next item of business, shall address the question of whether to adjourn the remainder of the business proposed to be transacted at the meeting in accordance with Standing Order 14(16)(c).

## **SUB-COMMITTEES, WORKING GROUPS AND PANELS**

### **Standing Order No. 41:**

1. Committees may appoint Sub-Committees, Working Groups or Panels for facilitating the transaction of

business, who shall report to the committee, but such sub-committees, working groups or panels shall not have power to transact any business without express authority from the committee or in accordance with Standing Order 50.

2. The Town Clerk shall have authority to convene meetings of any sub-committee, working group or panel, and the notice sent to each member of the body shall contain, so far as possible, all items of business to be considered at such meetings.
3. Meetings of sub-committees, working groups or panels shall normally commence at 6.00pm, subject to the right of the Chairman to give contrary instructions in appropriate cases.
4. If a meeting of a sub-committee, working group or panel is still in progress one hour after its appointed time for commencement the sub-committee, working group or panel shall conclude its consideration of the item under discussion and, before proceeding to consider the next item of business, shall address the question of whether to adjourn the remainder of the business proposed to be transacted at the meeting in accordance with Standing Order 14(16)(c).

## **QUORUM - MEETINGS OF COMMITTEES**

### **Standing Order No. 42:**

Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee, Sub-Committee, Working Group or Panel unless at least one-third of the total membership of it or two, whichever is the greater, is present.

If, during any meeting to which this Standing Order applies, the Chairman, after counting the number of members present, declares that the meeting is inquorate the meeting shall stand adjourned. The consideration of any business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

## **VOTING IN COMMITTEE**

### **Standing Order No. 43:**

All questions in Committee shall be determined by show of hands and by a majority of the members of the Committee present and voting. In any case of an equality of votes, the Chairman may give a second or casting vote.

## **STANDING ORDERS TO APPLY TO COMMITTEES**

### **Standing Order No. 44:**

The Standing Order of the Council headed "Rules of Debate" (except those parts which relate to standing and to speaking more than once), and the Standing Order headed "Interest of Members in Contracts and other matters", shall apply to Committee, Sub-Committee, Working Group or Panel meetings.

## **INVITATIONS TO MEETINGS OF COMMITTEES**

### **Standing Order No. 45:**

1. Notices of all meetings of Committees, Sub-Committees, Working Groups or Panels shall be sent to all Members of the Council and all Members shall be entitled to attend and speak (but not vote) at meetings of those Committees, Sub-Committees, Working Groups or Panels of which they are not a Member regardless of whether or not the matter under consideration is the subject of a resolution under Standing Order 22 1. to exclude the public and press from the meeting. If, however, the matter under consideration is one in which a Member has an interest for the purposes of Standing Order 23 then that Member shall, in accordance with Standing Order 23, withdraw from the meeting during the consideration of the matter in question.
2. Notices of all meetings of the Council, its Committees, Sub-Committees, Working Groups or Panels shall be sent to all Councillors, not members of this Council, for the time being representing Dorchester on the Dorset County Council or the West Dorset District Council and those Councillors shall be entitled to attend and speak (but not vote) at such meetings and the Chairman may permit members of the Council (including co-opted members as defined by Section 49(7) of the Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.

## **COMMITTEE RECOMMENDATIONS TO BE RATIFIED**

### **Standing Order No. 46:**

Subject to Standing Order No. 50 the acts and proceedings of all committees shall be subject to ratification by the Council and, if not ratified, shall be of no effect.

## **VARIATION AND REVOCATION OF STANDING ORDERS**

### **Standing Order No. 47:**

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

## **SUSPENSION OF STANDING ORDERS**

### **Standing Order No. 48:**

No Standing Order shall be suspended or waived at any meeting of the Council except on the vote of a majority of the members then present, provided that a motion to suspend standing orders shall not be moved without notice unless at least eleven members of Council are present.

## **CONTRACTS**

### **Standing Order No. 49:**

1. Every contract whether made by the Council or by a Committee to which the power of making contracts shall have been delegated shall comply with the following Standing Orders, and no exception from any of such Standing Orders shall be made otherwise than by direction of the Council or in a case of urgency by such a Committee as aforesaid or in an emergency by the Town Clerk.

#### **Exceptions**

2. Every exception made by a Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the circumstances by which the exception was justified.
3. Every exception made by the Town Clerk in accordance with paragraph 1. above shall be reported to the Committee concerned, and by the Committee to the Council, and the report shall specify the emergency by which the exception was justified.
4. Express note of any exception from any of the provisions of these Standing Orders with respect to contracts and of the circumstances by which the exception shall have been justified, shall unless recorded in the report of a Committee which is laid before the Council be made in the Minutes of the Council.  
PROVIDED THAT it shall not be obligatory on the Council or on any Committee exercising powers delegated by the Council to invite tenders for a contract for the supply of goods or materials where effective competition is prevented by Governmental control, or to give public notice of the intention to enter into such a contract.

#### **Invitation of tenders**

5. In the case of contracts for the execution of work or the supply of goods or materials the Town Clerk will arrange where possible for not less than three quotations to be invited.
6. No contract which exceeds £20,000 in value or amount for the supply of goods or materials or the execution of any work shall be made unless one of the following procedures has been followed:
  - a) at least fourteen days' public notice has been given in one or more of the local newspapers circulating in the district, and also, wherever the value or amount of the contracts exceeds £125,000 in one or more newspapers or journals circulating among such persons as undertake such contracts expressing the nature and purpose of the proposed work, inviting tenders for its execution and stating the last date when tenders will be received.
  - b) in the case of contracts for which the appropriate Committee proposes to restrict the number of contractors submitting a tender either –
    - i) appropriate notice should be given in one or more of the local newspapers circulating in the district and also wherever the value or amount of the contract exceeds £125,000 in one or more newspapers or journals circulating among such persons as undertake such contracts setting out particulars of the contract into which the Council wish to enter and inviting persons interested to apply for inclusion on a select list of contractors in a specified period being not less than 10 days. After the expiration of the period specified in the public notices, invitations to tender shall be sent to such number of persons who have applied for inclusion in the lists as may be determined; or
    - ii) the appropriate Committee may accept the recommendations of the professional advisers engaged by the Council in connection with the project in question as to contractors who in their previous experience have demonstrated that they possess appropriate skills and standards for the execution of the contract.

#### **General Requirements on Tenderers**

7. Any person who is invited to submit a tender to the Council or who is invited to apply for inclusion in a list in accordance with paragraph 6b) above may be required to provide or make available for inspection (as the case may be):
  - a) such information about his or her workforce and working methods as will ensure that he or she will be

- able to perform satisfactorily any contract which may be awarded to him or her;
- b) his or her written safety policy, his or her accident book and his or her record of notifiable accidents and dangerous occurrences required by The Health and Safety at Work etc. Act 1974, the Social Security (Claims and Payments) Regulations 1979 and the Notification of Accidents and Dangerous Occurrences Regulations 1980 or any re-enactment or modification thereof;
  - c) any other information required to ensure that these Standing Orders and relevant statutory requirements will be complied with and to enable applications or tenders to be compared with each other on a fair and equal basis.
8. Each such person as is mentioned in paragraph 7. above shall be required to provide the following undertakings and declarations before entering into a contract with the Council:
- a) that he or she will not or has not communicated to any person other than the Council the amount of his or her tender and that he or she will not or has not adjusted the amount of his or her tender in accordance with any agreement or arrangement between him or her and any person other than the Council;
  - b) in the case of tenders for the execution of works that he or she will provide before the commencement of the contract evidence of adequate insurance cover in respect of such risks as may arise out of the performance of the contract.
9. Each such person mentioned in paragraph 7. above shall agree in writing in his or her application to tender that the validity of any information which he or she has given pursuant to paragraph 7. above and the declarations made by him or her pursuant to paragraph 8. above shall be conditions precedent to any contract arising out of the acceptance of any tender submitted by that person.

#### **Submission and Opening of Tenders**

10. Where in pursuance of paragraphs 5. or 6. of this Standing Order public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which may bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender, and such envelopes shall remain in the custody of the Town Clerk until the time appointed for their opening. Tenders shall be opened at one time and only in the presence of
- a) such Member or Members of the Council as may have been designated for the purpose by the Council or by the Committee to which the power of making the contract to which the tenders relate has been designated; and
  - b) the Town Clerk or an officer of the Council designated by him or her.

#### **Acceptance of Tender**

11. Subject to the following provisions, the lowest tender shall be accepted if payment is to be made by the Council and the highest tender shall be accepted if payment is to be made to the Council, and no tender shall be accepted until the Council shall have considered a report from a suitably qualified person.
12. Where the Council, in considering any tender, are satisfied on a written report from the Town Clerk that circumstances justify exemption from paragraph 11. above, then that part of this Standing Order shall not apply.
13. Where any exception is made under paragraph 12. above then a record of such exemption shall be made in the Minutes.
14. In relation to any tender where payment is to be made by the Council, the circumstances justifying an exemption under paragraph 13. above may include the competence of a supplier or contractor to supply the goods or services concerned and the promotion of local trade within Dorchester.

#### **Competition Requirements**

15. In respect of all contracts nothing in these Standing Orders shall require competitive tenders to be invited if, in the case of contracts for the execution of work or the supply of goods or materials, in the opinion of the appropriate Committee:
- a) i) the goods or materials are sold only at a fixed price and no reasonably satisfactory alternative is available; or
  - ii) the price of the goods or materials is wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available or in the case of land disposals the price is dictated by market forces; or
  - (iii) by reason of the specialist nature of the work or the restricted source of the goods or materials or for other reasons there would be no genuine competition.
  - b) the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract, provided that such an extension has received the necessary approval.
  - c) 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.

- d) tenders shall have been invited on behalf of any consortium, collaboration or similar body of which the Council is a member in accordance with any method adopted by such a body.

16. A contract for the execution of works or the supply of goods or materials certified by the Town Clerk as being required in an emergency and not to permit the invitation of tenders or quotations, may be so placed, provided that a report thereon is produced to the next following meeting of the appropriate Committee(s).

#### **Applications for inclusion in Tender Lists to be in writing**

17. Every application for inclusion in a list to tender and contract for the execution of works or the supply of goods or materials shall be submitted or evidenced in writing.

#### **Members not to enter into contracts**

18. No Member of the Council shall enter into any contract on the Council's behalf.

#### **Contracts to be in writing**

19. All orders for the supply of goods or materials or the execution of any works shall be on an official printed order form; such order form shall be numbered and signed by the Town Clerk or some person authorised by him or her, and the order book kept by him in a secure place. Any contract not requiring the issue of an order shall be executed in such form as the Council may determine.

#### **Security for due performance**

20. Every contract for the execution of works shall be conditional upon the contractor providing sufficient security for the performance of such contract before any payment is made to the contractor. The form and value of such security shall be as determined from time to time by the Town Clerk, who may waive the requirement for the provision of such security in respect of any contract of a value of £10,000 or less in any year, or in respect of any contract for any long term routine maintenance work or for the professional or specialist services of any person or company or in respect of any emergency work.

#### **General requirements on Contractors**

21. Every formal contract shall incorporate the following information:

- a) the work, materials, matters or things to be furnished, had or done.
- b) the price to be paid with a statement of discounts or deductions.
- c) the time or times within which the contract is to be performed.
- d) the provisions of these Standing Orders which are applicable to the Contract.

22. Every contract either for the execution of works or for the supply of goods or materials shall incorporate the following provisions:

- a) that the goods or materials to be used or supplied and the quality of workmanship shall conform to or be superior to any appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Association.
- b) that the Council shall be empowered to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered, or given, or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or having done or forborne to do, any action in relation to the obtaining or execution of the contract or any other contract with the Council or for showing or forbearing to show favour or disfavour to any person in relation to the contract, or any other contract, with the Council; or if the like acts shall have been done by any person employed by him or her or acting on his or her behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, the contractor or any person employed by him or her or acting on his or her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 - 1916, or shall have given any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act, 1972.
- c) that the contractor shall not transfer, assign or sub-contract the burden or benefit of the whole or any part of the contract either directly or indirectly without the prior written consent of the Council.
- d) that the contractor shall indemnify the Council against all liability, loss, damage, death or personal injury arising out of the performance of the contract work other than through the negligence or default of the Council.
- e) that the contractor shall be liable to pay liquidated damages in the event of his or her failure to perform the contract works and in the event of his or her unreasonable delay in performing the contract works PROVIDED THAT the incorporation of this provision may be waived by the Town Clerk in the case of contracts for the supply of goods or materials where it would be impracticable or unreasonable to apply it.

23. Every contract for the execution of works shall incorporate the following provisions:



- a) that the contract may be terminated by the Council in the event of the contractor failing to comply with the terms of his or her declarations required by paragraphs 7., 8. and 9. above.
  - b) that the contractor shall make available for inspection any vouchers, records, receipts and other documents, samples of materials and any other information or thing which may be reasonably required by the Town Clerk in order to ascertain whether or not the terms of the contract are being complied with.
  - c) that the contractor shall keep proper written records of wages and timesheets showing the wages paid to and the time worked by his or her employees.
24. Every contract for the supply of goods or materials shall incorporate such terms as to delivery, quality of goods and any other terms required from time to time by the Town Clerk in order to protect the interest of the Council.
- a) tenders for the nomination shall be invited in accordance with standing orders and paragraph 10. above shall apply as if the tender were for a contract with the Council. The terms of the invitation shall require an undertaking by the tenderer that if he or she is selected he or she will be willing to enter into a contract with the main contractor or on terms which indemnify the main contractor or against his or her own obligations under the main contract in relation to the work or goods included in the sub-contract.
  - b) tenders shall be opened in accordance with paragraph 10. above.
  - c) the Town Clerk shall nominate to the main contractor the person whose tender is, in his or her opinion, the most satisfactory, provided that, where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the appropriate committee.

#### **Standing Orders to be adhered to by Consultants**

25. Before embarking on any contract the Council shall determine whether the circumstances of that particular contract merit the engagement of specialist advice and, if so, it shall be a condition of the engagement of the services of any architect or of any engineer, surveyor or other consultant who is to be responsible to the Council for the supervision of a contract on its behalf that in relation to that contract he or she shall:
- a) comply with these Standing Orders as though he or she were an Officer of the Council subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the Town Clerk through whom all liaison with the Council shall pass.
  - b) at any time during the carrying out of the contract produce to the Town Clerk, on request, all records maintained by him or her in relation to the contract.
  - c) on completion of the contract, transmit all such records to the Town Clerk.

#### **Council to be indemnified and works to be insured**

26. In connection with the carrying out of contract works the contractor shall indemnify the Council and provide such insurance as may be required.

#### **Prohibition on Assignments**

27. In every written contract for the execution of work or the supply of goods or materials there shall be inserted a clause to the effect that the contractor shall be prohibited from transferring or assigning directly or indirectly to any person, any portion of his or her contract without the written permission of the Town Clerk. A sub-letting of any part or parts of the work, except to the extent permitted in writing by the Town Clerk, shall also be prohibited.

### **DELEGATED POWERS**

#### **Standing Order No. 50:**

1. Without prejudice to the Town Clerk's general managerial responsibilities and save as provided in the Terms of Reference of the Planning and Environment Committee or in Standing Order No. 27 no group of Members, individual Member or Officer shall have delegated power to take decisions on behalf of the Council save as provided by this Standing Order.
2. The Scheme of Delegation as approved by the Council from time to time shall have effect for the purposes of this Standing Order but, notwithstanding the provisions of that scheme, the Council may at any time delegate its authority to deal with any particular matter under consideration to a Committee, Sub-Committee, Working Group or Panel or to an ad-hoc group of Members (which shall consist of at least two) or to the Town Clerk.
3. In the event of any matter arising which requires an urgent decision the Town Clerk shall forthwith consult with the Chairman and Vice-Chairman of the appropriate Committee, Sub-Committee, Working Group or Panel (and also with the Chairman and Vice-Chairman of the Policy Committee if the matter involves expenditure not provided for in the annual estimates) and those Members so consulted shall have delegated

power to act on behalf of the Council in respect of the particular matter then under consideration **PROVIDED THAT** the Mayor for the time being shall be deemed to be the de-facto vice-chairman of any Sub-Committee, Working Group or Panel which has not otherwise appointed a vice-chairman.

4. Before exercising the delegated powers granted by paragraph 3. of this Standing Order those Members consulted shall consider whether the matter is of sufficient import to justify the summoning of a Special Meeting of the appropriate Committee in accordance with Standing Order 40 2. and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
5. Before exercising the delegated powers granted by paragraph 4. of this Standing Order the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Mayor that he or she should call a Special Meeting of the Council in accordance with Standing Order 1 2.
6. Whenever any action is taken under this Standing Order full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council unless the decision is one recorded in the Minutes of a Committee which has delegated authority by virtue of the Scheme of Delegation referred to in paragraph 2. of this Standing Order.

#### **Call-In and Scrutiny Arrangements**

7. In the event of the Chairman and Vice-Chairman of either the Management Committee or the Policy Committee having concerns about decisions taken under the Council's approved scheme of delegation by the other Committee they shall have the power during the two working days following the meeting of the Committee concerned to instruct the Town Clerk that the implementation of the decision should be deferred, and the matter shall instead be treated as a recommendation to the full Council at its next meeting.

#### **TOWN CLERK AND PROPER OFFICER**

##### **Standing Order No. 51:**

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, he or she shall be the Town Clerk:-

- a) To receive Declarations of Acceptance of Office.
- b) To receive declarations of Members' interests.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of byelaws made by the District Council.
- f) To certify copies of byelaws made by the Council.
- g) To sign summonses to attend Meetings of the Council and of its Committees.

#### **OFFICERS**

##### **Standing Order No. 52:**

The Council shall appoint a Proper Officer to be known as the Town Clerk and may appoint such other staff and advisers as may from time to time be deemed necessary on such terms of employment as shall be agreed at the time.

#### **RECORD OF ATTENDANCES AT MEETINGS**

##### **Standing Order No. 53:**

The Town Clerk shall maintain a Record of Attendances in respect of meetings of the Council and of its Committees.

#### **DISTRIBUTION AND CONSTRUCTION OF STANDING ORDERS**

##### **Standing Order No. 54:**

1. A printed copy of these Standing Orders shall be given to each Member of the Council by the Town Clerk as soon as possible after the receipt of the Member's Declaration of Acceptance of Office on the Member's being first elected to the Council.
2. The ruling of the 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 at a Meeting of the Council.

#### **MEMBERS CODE OF CONDUCT**

##### **Standing Order No. 55:**

Members of the Council shall be guided by the Council's Members Code of Conduct as set out as an Appendix to these Standing Orders.

## **INTERPRETATION**

### **Standing Order No. 56:**

These Standing Orders shall be read in conjunction with the Financial Regulations of the Council as amended from time to time.

# **DORCHESTER TOWN COUNCIL**

## **MEMBERS CODE OF CONDUCT**

### **PART 1**

#### **GENERAL PROVISIONS**

##### **Introduction and interpretation**

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State and reproduced in the Annex to this Code.
- (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;
    - (c) any of the authority’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
  - “member” includes a co-opted member and an appointed member.
- (5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

##### **Scope**

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your 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 your 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 (as defined in section 33 of the Equality Act 2006);
- (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 his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your 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 your authority -
  - (i) act in accordance with your 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 made under the Local Government Act 1986.

## **PART 2**

### **INTERESTS**

#### **Personal interests**

7. (1) You have a personal interest in any business of your authority where either -

- (a) it relates to or is likely to affect –
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body –
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),  
of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) In sub-paragraph (1)(b), a relevant person is -
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

8. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 7(1)(a)(i) or 7(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 7(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

### **Prejudicial interest generally**

9. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business –
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 7;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7; or
- (c) relates to the functions of your authority in respect of –
  - (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (ii) an allowance, payment or indemnity given to members;
  - (iii) any ceremonial honour given to members; and
  - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

### **Effect of prejudicial interests on participation**

10. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **PART 3**

### **REGISTRATION OF MEMBERS' INTERESTS**

#### **Registration of members' interests**

11. (1) Subject to paragraph 12, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 12, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.



## **Sensitive information**

12. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 11.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annex

## **THE GENERAL PRINCIPLES OF PUBLIC SERVICE** as set out in the Relevant Local Authorities (General Principles) Order 2001

### *Selflessness*

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### *Honesty and Integrity*

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### *Objectivity*

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### *Accountability*

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### *Openness*

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### *Personal Judgement*

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

*Respect for Others*

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

*Duty to Uphold the Law*

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

*Stewardship*

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

*Leadership*

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## **TERMS OF REFERENCE OF STANDING COMMITTEES**

### **Management Committee**

- Constitution: 12 Members and the Mayor ex-officio.
- Delegated Powers: The powers, duties and functions of the Council relating to:
- The administration, maintenance and letting of the various facilities provided by the Council.
  - Cultural activities, twinning and other matters relating to the promotion of entertainments and other events.
  - The administration and maintenance of the burial function.
  - Twinning arrangements including liaison with Societies.
  - The administration and maintenance of the administrative offices.
- Referred Business To consider and report to the Council on:
- Revision of Hire Charges.
  - Making any necessary recommendations for improvements to services within the Committee's sphere of responsibility as a result of regular monitoring.
  - Reports received from the Dorchester Joint Burial Committee.

### **Planning and Environment Committee**

- Constitution: Up to 19 Members and the Mayor ex-officio.
- Delegated Powers: The powers, duties and functions of the Council relating to:
- Consideration of Planning Applications and the submission of observations on them to the Local Planning Authority.
  - Observations (as necessary) to the responsible Authority on matters affecting the environment, traffic management and public transport in the Town.
  - Footpaths, bridlepaths and rights of way.
  - Street Naming.
- Referred Business: To consider and report to the Council on:
- All major development proposals affecting the environment of the Town.
  - Developments which, in the opinion of the Committee, would be of benefit to the Town.

### **Policy Committee**

- Constitution: 7 Members and the Mayor ex-officio.
- Delegated Powers: The powers, duties and functions of the Council relating to:
- Investments.
  - Control of financial income and expenditure within the Estimates approved by the Council.
  - Policy - consideration for recommendation to the Council of items referred to the Committee by the Council and other Committees.
  - Appointment of staff.
  - Ensuring that the maximum possible value for money is achieved by all Committees and that suitable procedures are in place for liaison with the Council's Auditors.
- Referred Business: To consider and report to the Council on:
- Consideration of annual Financial Estimates of Committees prior to their submission to the Council.
  - Establishment.

Expenditure and income proposed by other Committees other than that included in the current Financial Estimates.

Reports received from the Dorchester Markets Joint Panel.

Considering any performance review recommendations of other committees.

Review (as necessary) of Standing Orders and Terms of Reference of Committees.

Supervising and overseeing the preparation and application of a comprehensive Performance Management System

The preparation, review and oversight of a strategic development plan for the Council.

Consideration of strategic policy documents and consultation papers issued by the Government and other bodies.

# SCHEME OF DELEGATION

## 1 COUNCIL FUNCTIONS

1.1 The matters listed below are the responsibility of the full Council:

- (a) Adopting and changing the Council's Standing Orders, Financial Regulations and Powers and Duties of Committees;
- (b) Approving, adopting or making material changes to the Council's policy framework;
- (c) Approving the Council's Budget and the level of its precept levied on the West Dorset District Council;
- (d) Authorising borrowings;
- (e) Authorising the incurring of expenditure not provided for within the approved Budget or otherwise permitted under the Council's Financial Regulations;
- (f) Appointing Council representatives to outside bodies;
- (g) Confirming the appointment of the Town Clerk
- (h) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation;
- (i) All other matters which must, by law, be reserved to the full Council.

## 2 DELEGATIONS TO COMMITTEES

- 2.1 The matters listed below are delegated to the Council's committees, sub-committees, working groups or panels. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and approved policy framework and may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee concerned.
- 2.2 Where a sub-committee, working group or panel in lieu of exercising its delegation refers a matter to its parent committee the delegation is exercisable by the committee. Nevertheless, the committee may decide not to exercise this delegated power and may instead make a recommendation to the Council.

Service Area	Function	Committee/Panel
<b>Agency Agreements</b>	Recommending agency agreements and joint working practices	Policy Committee
<b>Allotments</b>	See Land Management	
<b>Arts</b>	Managing the Council's arts-related activities including direct promotions and liaison with other providers	Management Committee on advice from Arts Panel
<b>Audit</b>	Responsibility for maintaining a continuous internal audit system.	Policy Committee on advice from Resources Panel
	Receiving and considering reports on internal audit and monitoring the implementation of approved action plans	Policy Committee on advice from Resources Panel
	Receiving and considering reports of the District Auditor and monitoring the implementation of approved action plans	Policy Committee
<b>Budgetary Control</b>	Recommending the annual Budget and resolutions for level of precept	Policy Committee

	Managing budgetary control matters including the allocation of financial resources and virement of revenue expenditure other than within the approved budget of a committee (see para 2.1)	Policy Committee
<b>Byelaws and local legislation</b>	Recommending the making or adoption of byelaws	Management Committee
	Recommending the sponsoring of local legislation	Policy Committee
	Enforcing byelaws including instituting legal proceedings	Management Committee
<b>Capital Expenditure</b>	Recommending capital works and resourcing their implementation	Policy Committee
<b>Car Parking</b>	Commenting on all matters relating to the management of public car parks in the town	Planning & Environment Committee
<b>Cemeteries</b>	Operation of the Council's burial functions and responsibilities	Management Committee on advice from Outdoor Services Panel
<b>Civic Events</b>	Organising civic events appropriate to Dorchester's status as historic County Town	Management Committee on advice from Community Activities Panel
<b>Committee and Member Support</b>	Recommending the annual calendar of meetings	Selection Committee
	Recommending changes to Standing Orders, Financial Regulations and Powers and Duties of Committees	Policy Committee
	Managing all committee and member functions	Policy Committee
<b>Community Support</b>	Managing community support activities including provision and maintenance of facilities, liaison with other bodies and cultural support	Management Committee
<b>Complaints</b>	Monitoring the complaints procedure	Management Committee
<b>Conservation</b>	Commenting on proposals for the creation or modification of conservation areas	Planning & Environment Committee
<b>Constitution</b>	See Committee and Member Support	
<b>Culture</b>	See Arts	
<b>Development Control</b>	Commenting on planning applications referred to the Council for comment	Planning & Environment Committee
<b>Electoral Matters</b>	Initiating requests for boundary reviews and commenting during the course of such reviews	Policy Committee
<b>Entertainments</b>	See Arts	
<b>Environment</b>	See Heritage	
<b>External Consultation and Representation</b>	Commenting on consultation documents from other bodies	Appropriate committee
	Recommending appointments to serve on outside bodies -	
	<ul style="list-style-type: none"> <li>• annually</li> <li>• when a casual vacancy arises</li> </ul>	Selection Committee Policy Committee
<b>Financial Matters</b>	Managing the Council's financial affairs	Policy Committee on advice from Resources Panel
<b>Grants</b>	Award of general revenue grants to local organisations and groups	Management Committee on advice from Grants Panel

	Award of cultural activities grants	Management Committee on advice from Arts Panel
<b>Heritage</b>	Dealing with general matters affecting the historic environment and heritage of Dorchester including all matters connected with the Council's involvement in the Dorchester Heritage Committee	Planning & Environment Committee
<b>Highway Maintenance</b>	Commenting on proposals for highways maintenance and repairs and associated matters	Planning & Environment Committee
<b>Insurance</b>	Arranging and maintaining insurance cover in respect of the Council's assets and activities against a wide range of risks	Policy Committee on advice from Risk Management Panel
<b>Land Management</b>	Managing and maintaining the Council's various buildings	Management Committee on advice from Property Management & Maintenance Panel
	Maintaining the Council's various areas of amenity land, play areas, recreation grounds and open spaces including setting hire charges	Management Committee on advice from Outdoor Services Panel
	Managing, maintaining and monitoring demand and availability of allotment gardens	Management Committee on advice from Outdoor Services Panel
<b>Legal Proceedings</b>	To institute, defend or settle any judicial or quasi-judicial proceedings on behalf of the Council and to engage legal advisors and barristers as required	Policy Committee
<b>Markets</b>	Dealing with matters referred to this Council by the Dorchester Markets Joint Committee	Policy Committee
<b>Municipal Buildings</b>	Managing the operation of the Municipal Buildings including setting hire charges	Management Committee
<b>Performance Matters</b>	Recommending adoption of the Performance and Policy Plan	Policy Committee
	Overall management and review of performance targets contained within the Performance and Policy Plan	Policy Committee
<b>Planning Policy</b>	Commenting on proposed revisions of the West Dorset District Local Plan, the Bournemouth, Dorset and Poole Structure Plan and other service-specific long-term planning documents	Planning & Environment Committee
<b>Play Areas</b>	See Land Management	
<b>Policy Issues</b>	Recommending and reviewing policies	Policy Committee
	Assisting in the development of new policies or changes in policy	All committees
	Commenting on strategic policy documents and consultation papers issued by the Government and other bodies	Policy Committee
<b>Publicity</b>	Managing the Council's public relations activities and the content and circulation of the quarterly newsletter	Policy Committee
<b>Public Footpaths</b>	Making observations on matters affecting public footpaths in and around the town	Planning & Environment Committee
<b>Public Lighting</b>	Commenting on matters affecting public lighting provision or maintenance in the town	Planning & Environment Committee

<b>Public Toilets</b>	Commenting on matters affecting public toilet provision in the town	Planning & Environment Committee
<b>Public Transport</b>	Making observations on matters affecting public transport in and around the town	Planning & Environment Committee
<b>Rights of Way</b>	See Public Footpaths	
<b>Risk Management</b>	Managing the Council's risk management practices and procedures	Policy Committee on advice from Risk Management Panel
<b>Skate Park</b>	Dealing with matters referred to the Council by the Dorchester Skatepark Steering Group	Management Committee
<b>Sports Grounds</b>	See Land Management	
<b>Staffing</b>	Recommending changes to the Council's approved staffing establishment	Policy Committee
	Reviewing and monitoring the Council's employment arrangements	Policy Committee on advice from Resources Panel
<b>Standing Orders</b>	See Committee and Member Support	
<b>Street Lighting</b>	See Public Lighting	
<b>Street Naming</b>	To name new streets	Planning & Environment Committee
<b>Town Clerk and Proper Officer</b>	Recommending the appointment of the Town Clerk and Proper Officer	Policy Committee
<b>Traffic Issues</b>	Making observations on matters affecting traffic management proposals in and around the town	Planning & Environment Committee
<b>Trees</b>	Managing tree planting schemes and the Dorchester Highway Trees Partnership	Management Committee
	Making observations on proposals to introduce new tree preservation orders or allow works to trees covered by existing tree preservation orders or within conservation areas	Planning & Environment Committee
<b>Twinning</b>	Making arrangements for twinning visits and activities including liaison with twinning societies	Management Committee on advice from Community Activities Panel

### 3 DELEGATIONS TO OFFICERS

- 3.1 The Council does not generally operate a formal scheme of delegations to officers but there are certain matters which might be regarded as routine managerial issues by some people whilst others might regard them in a different way.
- 3.2 The following table, whilst not comprehensive, seeks to clarify responsibility in respect of at least some of these matters. Needless to say, the delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations, within the accepted policy framework and where budgetary provision exists or is otherwise authorised in accordance with Financial Regulations.

<b>Service Area</b>	<b>Function</b>	<b>Officer</b>
<b>Audit</b>	To maintain a continuous internal audit	Town Clerk Financial Service Provider
<b>Communications</b>	To deal with all press and public relations on behalf of the Council	Town Clerk Deputy Town Clerk
<b>Documents</b>	To sign documents on behalf of the Council	Town Clerk Deputy Town Clerk



<b>Elections</b>	To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections	Town Clerk
<b>Emergency Planning</b>	To lead the Council's response in the case of a major emergency in consultation with and/or under the direction of the Emergency Planning Officers to the Dorset County and West Dorset District Councils	Town Clerk
<b>Finance</b>	To administer the Council's bank balances	Financial Service Provider
	To maintain adequate insurance cover for the Council's activities and property	Financial Service Provider
	To act as Responsible Financial Officer for the purposes of the Accounts and Audit Regulations 1996	Town Clerk
	To authorise the payment of accounts	Town Clerk Deputy Town Clerk
	To write-off outstanding debts in accordance with Financial Regulation 5.3	Town Clerk
<b>Freedom of Information</b>	To have overall responsibility for the Council's Freedom of Information Publication Scheme	Town Clerk
<b>Information and Communication Technology</b>	To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget	Town Clerk
<b>Land and Property</b>	To purchase necessary goods and supplies	Town Clerk Deputy Town Clerk Compliance Manager
	To maintain the Council's offices and property in accordance with Financial Regulation 4.5	Town Clerk
	To adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible	Compliance Manager
	To devise planting schemes for the various open areas for which the Council is responsible	Compliance Manager
	To ensure that trees for which the Council is responsible are maintained in a safe condition in accordance with good arboricultural practice	Compliance Manager
<b>Lettings</b>	To authorise casual lettings of the Council's various properties subject to payment in accordance with the approved scale of charges where appropriate	Town Clerk
<b>Members Support</b>	To deal with requests from Members for secretarial or administrative support in connection with their duties	Town Clerk Deputy Town Clerk
<b>Motor Vehicles and Plant</b>	To maintain, repair and renew the Council's motor vehicles, plant and equipment	Compliance Manager

<b>Proper Officer</b>	To act as proper officer for the purposes set out in Standing Order 51 and for all other purposes prescribed by law	Town Clerk
<b>Staffing</b>	To undertake the duties of Head of Paid Service	Town Clerk
	To implement national pay awards and conditions of service	Town Clerk Financial Service Provider
	Within the approved budget and in accordance with Standing Order 27 to administer the staffing establishment and the national agreement on pay and conditions of service	Town Clerk Deputy Town Clerk Compliance Manager
	To engage temporary or seasonal workers and determine their wages and conditions of service	Town Clerk Compliance Manager

# **NOTES**

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