



Morpeth  
Town  
Council

# STANDING ORDERS

## RELATING TO THE PROCEEDINGS AND BUSINESS OF THE COUNCIL

### NOTE:

**BOLD BLACK PRINT**

**= MANDATORY STANDING ORDER**

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**= DISCRETIONARY STANDING ORDER**

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## 1. **MEETINGS**

- (a) **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- (b)(i) **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- (b)(ii) **The minimum 3 clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- (c) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- (d)(i) Subject to standing order 1(c) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda of the Council its Committees and specified Sub-Committees.

Questions will not be received by the Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister. A question will not be received by the Council, its Committees and specified Sub-Committees where the issue it concerns has been the subject of a decision of the Council in the last six months.

- (d)(ii) With the exception of the Annual or Extra-ordinary Council Meetings members of the public can submit a written question for the Council agenda as long as it is submitted 7 clear days before the Council meeting date. Questions should relate either to the powers and duties of the Council, or affect the Parish in some way. These will be entered on to a register which will be open to the public for inspection.
- (e) The period of time which is designated for public participation in accordance with standing order 1(d)(i) and 1(d)(ii) above) shall not exceed 15 minutes, unless at the Chairs discretion.
- (f) Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes unless at the discretion of the Chair.
- (g)(i) In accordance with standing order 1(d)(i) above, a verbal question concerning an item on the agenda asked by a member of the public during a public participation session at a meeting will normally be taken into account during the subsequent

discussion of that agenda item. However, the Chairman may also direct that a response to a question posed by a member of the public be referred to a Councillor for an immediate oral response or to an employee for a written or oral response.

- (ii) Written questions submitted under 1(d)(ii) can be debated by members, however no resolution based solely on the comments and representations made under a public participation session should be made at the meeting. If the matter referred to falls under the powers and duties of a particular Committee and if members deem it appropriate, the item can be referred to the next meeting of the relevant Committee.
- (h) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (i) A person shall raise their hand when requesting to speak and may stand when speaking (except when a person has a disability or it likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- (j) Any person speaking at a meeting shall address his comments to the Chairman.
- (k) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (l) Persons **may not orally report or comment** about a meeting as it takes place if they are present at the meeting of the Council or its Committees but otherwise may:
  - i Film, photograph or make an audio recording of a meeting.
  - ii Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later.
  - iii Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- (m) **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- (n) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice-Chairman (if any).**
- (o) **The Chairman, if present shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

- (p) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
- (q) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (See also standing orders 2(i) and (j) below).**
- (r) **Voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- (s) **The minutes of a meeting shall include an accurate record of the following:-**
  - (i) the time and place of the meeting;
  - (ii) the names of councillors present and absent;
  - (iii) interests that have been declared by councillors and non-councillors with voting rights;
  - (iv) whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered; (v) if there was a public participation session; and (vi) the resolutions made.
- (t) **A councillor who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on the matter.**
- (u) **No business may be transacted at a council meeting unless at least one third of the whole number of members of the Council are present. The quorum for Committees, Sub-Committees and Working Groups shall be three members.**
- (v) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- (w) **A meeting shall not exceed a period of two hours.**

## **2. ORDINARY COUNCIL MEETINGS**

- (a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- (b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- (c) **The annual meeting of the Council shall take place at 6.00 p.m.**

- (d) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- (e) The Chairman of the Council shall also be known as the Mayor of Morpeth, and the Vice-Chairman of the Council shall also be known as the Deputy Mayor of Morpeth.
- (f) The election of the Mayor and Deputy Mayor of the Council shall be the first business completed at the annual meeting of the Council.
- (g) The Chairman of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- (h) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- (i) In an election year, if the current Chairman of the Council has not been reelected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- (j) In an election year, if the current Chairman of the Council has been reelected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- (k) Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual meeting of the Council, the order of business shall be as follows:
  - i In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date. All declarations of acceptance of office as Councillors will normally be completed before the initial meeting of the Council.
  - ii Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii Review of delegation arrangements to committees, sub-committees, employees and other local authorities.

- iv Review of the terms of reference for committees.
- v Receipt of nominations to existing committees.
- vi Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
- vii Review and adoption of appropriate standing orders and financial regulations.
- viii Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix Review of representations on or work with external bodies and arrangements for reporting back.
- x In a year of elections, the Council's period of eligibility to exercise the "General Power of Competence" expires the day before the annual meeting, to review and make arrangements to reaffirm eligibility at the Annual Meeting.
- xi Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3. **PROPER OFFICER**

- (i) The Council's Proper Officer shall be the Clerk or such other employee as may be nominated by the Council from time to time. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper officer in standing orders.
- (b) **The Council's Proper Officer shall do the following:**
  - (i) **Sign and serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and subcommittee at least 3 clear days before the meeting (provided the councillor has consented to service by email).**
  - (ii) **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or subcommittee provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them.**
  - (iii) Subject to standing orders 4(a) – (e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 clear days before the meeting confirming their withdrawal of it.



- (iv) **Convene a meeting of Full Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in their office, in accordance with standing order 3(b)(i) and 3(b)(ii) above.**
- (v) Make available for inspection the minutes of meetings.
- (vi) **Receive and retain copies of byelaws made by other appropriate local authorities.**
- (vii) Receive and retain declarations of acceptance of office from councillors.
- (viii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- (ix) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- (x) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- (xi) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- (xii) Arrange for legal deeds to be sealed using the Council's Common Seal and witnessed (*See 12(a) and (b)*)
- (xiii) Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- (xiv) Shall ensure every planning application notified to the Council and the Council's response are recorded.
- (xv) Manage access to information about the council via the publication scheme.
- (xvi) Ensure that the seal of the Council shall not be used without a resolution to that effect.
- (xvii) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- (xviii) To Act with delegated authority as indicated in the Council's Scheme of Delegation.

#### **4. MOTIONS REQUIRING WRITTEN NOTICE**

- (a) In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice

of its wording to the Council's Proper Officer at least 7 days before the next meeting, so that if the meeting is on a Wednesday the Notice of Motion must be received on the Wednesday before.

- (b) The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (c) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- (d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- (e) Having consulted with Chairman or Councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- (f) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be recorded and open to inspection by all Councillors.
- (g) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection and shall be open to inspection by all Councillors.
- (h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5. MOTIONS NOT REQUIRING WRITTEN NOTICE**

- (a) Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.

- ix. To refer by formal delegation a matter to a committee or to a subcommittee or an employee.
  - x To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or sub-committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds to be sealed by the Council's Common Seal and witnessed. (See standing order 12 below.)
  - xvii. To answer questions from Councillors.
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xix. To extend the time limit for speaking.
  - xx. To exclude the press and public for all or part of a meeting.
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. **To suspend any standing order except those which are mandatory by law.**
  - xxiv. To adjourn the meeting.
  - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- (b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee unless the Chairman directs for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6. **RULES OF DEBATE**

### (a) Motions and Amendments

- (i) All motions or amendments shall be moved and seconded. The Chairman has the authority to require motions or amendments to be given to him/her in writing and signed by the mover.
- (ii) Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

(b) Seconders Speech

If a member seconding a motion wishes to speak on it later in the debate they must indicate this at the time they second it.

(c) Order of Speaking

The order of speaking shall be determined by the Chairman.

When a member speaks she/he will address the Chairman.

Whilst a member is speaking, no-one else shall speak unless raising a point of order or giving a personal explanation.

(d) Length and Content of Speeches

With the exception of the mover of a motion, no-one shall speak for more than three minutes on any motion unless the Council allows him/her to do so.

Members shall confine the content of their speeches to the subject under discussion.

(e) Member Speaking Again

With the exception of the Chairman, once a member has spoken on a motion she/he can only speak again in the following circumstances:-

- (i) If an amendment has been moved.
- (ii) If the motion has been amended since she/he last spoke, she/he can move a further amendment.
- (iii) If his/her first speech was on an amendment moved by someone else she/he can speak on the substantive motion regardless of whether or not the amendment was carried.
- (iv) To exercise the right of reply
- (v) On a point of order.
- (vi) To give a personal explanation.

(f) Amendments to Motions

- (i) When an amendment is moved, it shall be dealt with before any further ones are moved.

When an amendment is carried it shall become the substantive motion following which further amendments can be moved and dealt with.

If no further amendments are moved the Council will then vote on the substantive motion (i.e. either the original motion or the amended one, as the case may be).

- (ii) All amendments must relate to the subject matter of the motion.

The mover of an amendment must state at the beginning of their speech that they propose to put forward an amendment.

Amendments must raise issues which are different from those of amendments which have been lost.

They must either add and/or delete words from the motion or refer the motion to a Committee for consideration/reconsideration.

Amendments which amount to direct negatives to motions are not permitted.

- (iii) A member moving a motion (but not one on which they have given notice) can, with the approval of the Council (given without discussion) and his/her seconder, alter the motion if the alteration is one which could be made as an amendment.
- (iv) The mover of a motion for the approval of Committee Minutes may if she/he wishes, include suggested amendments to the Minutes.

(g) Right of Reply

The mover of every substantive motion has a right of reply. This is exercised at the close of the debate on the motion, immediately before it is voted upon. The mover of an amendment does not have a right of reply.

Where an amendment is moved the mover of the original motion also has a right of reply at the end of the debate on the amendment.

This right of reply is confined to answering arguments or objections which have arisen during the debate.

(h) Motions which may be moved during Debate

Whilst a motion is being debated the only other motions which can be moved are:-

- (i) to amend it;
- (ii) to adjourn the meeting;

- (iii) to adjourn the debate;
- (iv) to proceed to the next business;
- (v) that the question be now voted upon;
- (vi) under Standing Order No. 5 (a) (xxi) that a member be not allowed to speak any further;
- (vii) under Standing Order No. 5 (a) (xxi) that a member should leave the meeting;
- (viii) motions to exclude the public under Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960.

(i) Closure Motions

- (i) If, during a debate, it is moved and seconded that the Council should proceed to the next business, the Mayor will consider this. If she/he agrees she/he will give the mover of the motion the right to reply and will then take a vote on the proposal to proceed to the next business.
- (ii) If, during a debate, it is moved and seconded that the question be now voted upon, the Chairman will consider this. If she/he agrees a vote will be taken on the proposal. If it is passed the mover of the original motion will be given a right of reply and his/her motion will then be voted upon.
- (iii) If, during a debate, it is moved and seconded that the debate should be adjourned, the Chairman will consider this. If she/he agrees, a vote will be taken on the proposal, but the mover of the original motion will not be given the right to reply.

(j) Points of Order

Members can, at any time, raise points of order.

Points of order relate only to alleged breaches of Standing Orders or statutory provisions and members raising them must specify the Standing Order or statutory provision and why they consider they have been broken.

(k) Personal Explanations

Members can, with the Chairman's permission, give personal explanations on matters referred to by other members.

A personal explanation should be confined to a relevant part of a member's previous speech which may have been misunderstood.

(l) Chairman's Ruling

The Chairman's ruling on points of order or personal explanations is final.

(m) Members Speaking

Members will whilst speaking, address other members and officials by their respective titles.

No-one should speak whilst the Chairman is speaking.

**7. CODE OF CONDUCT AND DISPENSATIONS**

Also see standing order 1(t)

(a) **All councillors with voting rights shall observe the Code of Conduct adopted by the Council.**

(b) Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

(c) Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.

(d) **Requests for a dispensation must be received in writing to the Town Clerk (Proper Officer)** no later than 5pm on the day preceding the relevant meeting.

(e) A dispensation request shall confirm:

- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- an explanation as to why the dispensation is sought.

(f) A decision as to whether to grant a dispensation shall be made by a meeting of the Council or Committee or Sub-committee for which the dispensation is required and that decision is final.

(g) Delegated powers are given to Committees in order to deal with dispensation requests that are relevant to that Committee. (See Scheme of Delegation).

(h) **A dispensation may be granted in accordance with standing order 7(e) above if having regard to all relevant circumstances the following applies:**

- (i) **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion**

**of the meeting transacting the business as to impede the transaction of the business or**

**(ii) granting the dispensation is in the interests of persons living in the council's area or**

**(iii) it is otherwise appropriate to grant a dispensation.**

- (i) Subject to standing orders 7(d) and (f) above, dispensation requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.
- (j) Upon notification by the County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 32, report this to the Council.
- (k) Where the notification in standing order 7(j) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of this fact, and the Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 7(m).
- (l) The Council may:
  - (i) provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - (ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- (m) **Upon notification by the County Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## **8. MINUTES (DRAFT)**

- (a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- (b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5(a)(iv).
- (c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.



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

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

- (e) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes will be destroyed. Any audio recordings of the meeting will be retained for six months then destroyed.

## **9. DISORDERLY CONDUCT AT MEETINGS**

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- (b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- (c) If a resolution made under standing order 10(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **10. RESCISSION OF PREVIOUS RESOLUTIONS**

- (a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months **except** either by a special motion, the written notice whereof bears the names of at least two councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **11. FINANCIAL ADMINISTRATION**

- (a) **The Council’s financial regulations shall be reviewed once a year.**
- (b) All Committees, etc., of the Council and all Council officers must abide by the Financial Regulations adopted by the Council in accordance with Section 151 of the Local Government Act, 1972 and the Account and Audit Regulations 2003.

- (c) All Committees of the Council and all Council Officers must abide by the Financial Regulations and/or Standing Orders relating to Contracts and Procurement in undertaking any procurement activity.

## **12. EXECUTION AND SEALING OF LEGAL DOCUMENTS**

- (a) A legal document shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) In accordance with a resolution made under standing order 12(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be affixed to the instrument by the Proper Officer in the presence of, attested and signed by the Clerk and the Mayor.
- (c) The Common Seal shall be kept in the custody of the Town Clerk.

## **13. COMMITTEES**

- (a) The Council at its Annual Meeting shall appoint such committees as it may determine and may at any time appoint such other committees as are necessary to carry out the work of the Council
- (b) The Council shall at each Annual Meeting appoint members to serve on the said committees for the ensuing year. In the event of a vacancy occurring in the membership of such a committee by resignation or other cause during the course of the year, an appointment shall be made by the Council to fill the vacancy at the next following meeting of the Council.
- (c) **At the Annual Meeting of the Council or at the time of the appointment of Committees the Council shall determine the number of members and may include non-councillors on the Committee, unless it is a Committee which regulates and controls the finances of the Council.**
- (d) With the exception of those matters dealt with under delegated powers, all decisions made by the Committees are subject to confirmation by the Council.
- (e) Every Committee appointed by the Council may, subject to confirmation by the Council, appoint sub-committees, working groups and advisory bodies for purposes to be specified by the Committee.
- (f) Decisions taken by sub-committees, working groups and advisory bodies must be endorsed by their committees and by the Council unless they have been given delegated powers.
- (g) Standing Order 13 and Standing Order 9 shall apply to all meetings of Committees, Sub-Committees, Working Groups and Advisory Bodies.

- (h) Unless required otherwise by law, or by a decision of the Council, the quorum for Committees, Sub-Committees, Working Groups and Advisory Bodies is three members.
- (i) Unless required otherwise by law, or by a decision of the Council, the Chairman and Vice-Chairman of each committee shall be the person so appointed by the Council for the year. In the absence of the Chairman and Vice Chairman from a meeting, a Chairman for the meeting shall be appointed by the members present for the conduct of the meeting.
- (j) Voting at a meeting of a committee, sub-committee, working group or advisory body shall be determined by show of hands of the members present and entitled to vote. The Chairman shall have a casting vote.
- (k) Members can, if they wish, have recorded in the minutes the way in which they voted on a particular question (See also Standing Order No. 1(r).
- (l) The minutes of committees shall be printed and sent to each member of the committee and all other Councillors with the summons for the committee meeting at which they are to be presented.
- (m) All ordinary meetings of committees, the dates of which shall have been fixed by the Council at its Annual Meeting, shall be summoned by the Town Clerk. All other meetings of sub-committees and working groups shall be summoned by the Town Clerk after consultation with the Chairman thereof. When neither the Chairman nor the Vice-Chairman concerned can be consulted, the Town Clerk may convene any meeting for the transaction of urgent business.
- (n) Any member of the council may attend any meeting of a committee or subcommittee (except for the Personnel and Appeals Sub-Committees) of which they are not a member, but shall not speak there at except by the permission of the committee or sub-committee.
- (o) A member of the Council who is not a member of a committee or sub-committee at which they attend shall not be permitted to vote on any subject before the committee or sub-committee.
- (p) The Mayor shall be an ex-officio member of all committees.

#### **14. SUB-COMMITTEES / WORKING GROUPS**

- (a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.**
- (b) Unless there is a Council resolution to the contrary, every committee may appoint a Working Group whose terms of reference shall be determined by resolution of the committee. (Working Groups are not subject to Standing Order 1 above).**

**15. ADVISORY COMMITTEES**

- (a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- (b) **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

**16. EXTRAORDINARY MEETINGS**

- (a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- (b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

**17. ACCOUNTS AND FINANCIAL REPORTING**

- (a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be regularly reviewed.
- (b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after the 31 March, 30 June, 30 September and 31 December in each year a budgetary control report summarising the Council's income and expenditure for each quarter and the balances held at the end of the quarter. This statement should include a comparison with the budget for the financial year. The Council's statement of accounts will be prepared in accordance with proper accounting practices presenting fairly the council's annual position and income and expenditure for the year to the 31 March and shall be presented to, and approved, by the Council by the end of June. The Statement of Accounts of the Council is subject to external audit. The Audit must be completed and the accounts published by the 30 September.

**18. ANNUAL BUDGET / PRECEPT**

The Council will prepare written revenue and capital budgets for the coming financial year and approve these and set the annual precept at a meeting of the Council by the 1<sup>st</sup> March.

**19. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS**

- (a) Candidates for Council appointments will be disqualified if they directly or indirectly canvass members of the Council.

This paragraph will be referred to in application forms.

- (b) Members of the Council shall not use their influence to obtain Council appointments for anyone.
- (c) Candidates who know they are related to any member or Senior Officer must disclose this on their applications.

Anyone failing to disclose a relationship will be disqualified and, if they have already been appointed when the matter comes to light, they may be liable to dismissal.

If any member or Officer knows a particular candidate they should disclose this.

The Town Clerk should report any disclosures to the Council.

People will be regarded as related if they or their spouse or partner have one of the following relationships with members / senior officers or with their spouses or partners, namely:

Spouse	Partner
Parent	Parent-in-law
Son	Daughter
Step-Son	Step-Daughter
Child of Partner	Brother
Sister	Grandparent
Grandchild	Uncle
Aunt	Nephew
Niece	

## 20. **APPOINTMENTS**

- (a) The Personnel Sub Committee shall from time to time recommend to the Finance and General Purposes Committee the establishment for the Council.
- (b) The Finance and General Purposes Committee shall in turn, make recommendations to the Council in relation to the establishment.
- (c) The Town Clerk shall be empowered to authorise the filling of posts.

## 21. **MANAGEMENT OF INFORMATION**

*See also standing order 22.*

- (a) **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- (b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy**

shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

- (c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- (d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **22. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- (a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- (b) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.
- (c) The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

## **23. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list). See also standing order 21.

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

## **24. UNAUTHORISED ACTIVITIES – COUNCILLOR RESTRICTIONS**

- (a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a Committee or a Sub-Committee:

- (i) inspect any land and/or premises which the Council has a right or duty to inspect; or
- (ii) issue orders, instructions or give directions to staff.

## **25. CONFIDENTIAL BUSINESS / SENSITIVE INFORMATION**

- (a) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- (b) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **26. GENERAL POWER OF COMPETENCE (England)**

- (a) Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 and the Council qualifies as an eligible Parish Council.
- (b) The Council's period of eligibility begins on the date that the resolution under Standing Order (a) above was made and expires on the day before the Annual Meeting of the Council that takes place in a year of ordinary elections.
- (c) If the Council loses its qualified Clerk or has insufficient elected Councillors then it must record its ineligibility at the next 'relevant' annual meeting of the Council (after the ordinary election). If the Council has already started an activity it can finish that but not start anything new.

## **27. HANDLING STAFF MATTERS**

- (a) A matter personal to a member of staff that is being considered by a meeting of Council or Committee or Sub-Committee is subject to standing order 23 above.
- (b) Matters pertaining to staff will be dealt with under relevant Council policies as appropriate to the matter under consideration.
- (c) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- (d) The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- (e) Only persons with line management responsibilities shall have access to staff records referred to in standing orders 25(c) and 25(d) above if so justified.

- (f) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(c) and (d) above shall be provided only to the Town Clerk.

## **28. REQUESTS FOR INFORMATION**

- (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1988.
- (b) Correspondence from, and notices serviced by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance and General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the proper Officer in respect of Freedom of information requests set out under Standing Order 3(b)(ix) above.

## **29. RELATIONS WITH THE PRESS / MEDIA**

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be cleared by the Town Clerk in consultation with the Mayor or the Chairman of the relevant Committee.
- (b) Press reports from the Council, its Committees, or Working Groups should be from the Town Clerk or an authorised officer or via the reporter's own attendance at a meeting.
- (c) Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for a comment by the press should make it clear that it is a personal view and indicate that it be clearly reported as their personal view.

## **30. LIAISON WITH COUNTY COUNCILLORS**

- (a) An invitation to attend Full Council will be sent to all County Councillors representing Morpeth.
- (b) The Council will inform local County Councillors of any local views or information relating to their responsibilities.

## **31. FINANCIAL MATTERS**

- (a) The Council shall appoint an appropriate staff member(s) to undertake work of the Responsible Finance Officer when the Responsible Finance Officer is absent.
- (b) All financial and procurement matters are contained within the Council's Financial Regulations.



### **32. CODE OF CONDUCT COMPLAINTS**

- (a) Upon notification by the County Council that it is dealing with a complaint that a Councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 7 above, report to the Council.
- (b) Where the notification in standing order 32(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 32(a).
- (c) The Council may:
  - i provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- (d) **Upon notification by the County Council that a Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

### **33. STANDING ORDERS GENERALLY - (VARIATION, REVOCATION AND SUSPENSION)**

- (a) At a Council meeting or a meeting of a committee or sub-committee any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- (b) A motion to permanently add to or to vary or to revoke one or more of the council's standing orders not mandatory by law can only be determined by resolution of the Full Council.
- (c) **Standing Orders to be given to Councillors**

The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

- (d) **Interpretation of Standing Orders**

The Chairman's decision as to the application of standing orders at meetings shall be final.



Morpeth  
Town  
Council

# COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION

**APPROVED:            FULL COUNCIL 11<sup>th</sup> MAY 2022**

Under the provisions of Section 101 of the Local Government Act, 1972 a Local Authority has powers to arrange for the discharge of its functions by a Committee, Sub-Committee or an individual Officer of the Authority.

If the number of Councillors present falls below the required quorum at any meeting then the meeting will be adjourned and no business will be transacted.

### **Full Council**

This is the main Committee of the Council

**Membership: 15    Quorum: 5**

The Council shall elect a Mayor and Deputy Mayor from its membership at the Council's Annual Meeting, and will meet a minimum of 3 times per annum.

### **Terms of Reference**

1. The set the annual budget and Precept
2. The duty to approve the Councils Annual Internal Audit and Annual Governance and Accounting Statements.
3. The appointment to or co-option on to a Committee, Sub-Committee or Working Group of a person who is not a member of the Council, the Committee or Working Group;
4. To approve the Council's Standing Orders, committee structures, constitution and procedures of Committees and Sub-Committees;
5. To agree the dates of meetings of the Council and its Committees at the Annual Meeting;
6. To make appointments to outside bodies between Annual Meetings of the Council;
7. Filling of vacancies occurring on any Committee of the Council during the Council year;
8. To approve all Strategic and Policy Documents on behalf of the authority;
9. Responding to consultations or delegating to appropriate Committee
10. The appointment or dismissal of the Chief officer.
11. To receive presentations or reports by representatives from outside organisations.

## **Finance & General Purposes Committee**

Finance and General Purposes Committee is the main policy making Committee of the Council and considers the broad social and economic needs of the Town.

The Committee shall elect a Chair and Vice Chair from its membership at the Council's Annual Meeting.

The Finance & General Purposes has delegated powers to make binding decisions on behalf of Morpeth Town Council with regard to all aspects detailed in the terms of reference.

**Membership:** 9 plus Mayor ex officio Member **Quorum:** 3

### **Terms of Reference**

1. To guide the Council in the formulation of its objectives and to identify the need for new services and facilities.
2. To ensure the Council's strategies, policies and procedures are undertaken in accordance with statutory and legislative requirements.
3. To keep under review the policies and resources of the Council in relation to all services and to advise the Council on the future development of existing or the introduction of new services.
4. To advise the Council as required on all matters affecting its Constitution and the procedures applying to the Council and its Committees.
5. To maintain a continuous general oversight of the Council's administration.
6. To be responsible for allocating and controlling the financial and human resources of the Council.
7. To advise the Council on any major policy changes in the Council's management or administrative procedures.
8. To make recommendations to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and policies
9. To receive from other Committees and to collate prior to the submission to the Council all annual and other estimates of income and expenditure on capital and revenue.
10. To formulate and present to the Council recommendations for annual expenditure.
11. To supervise the Council's Accounts
12. To supervise and control borrowing by the Council and the investment of funds within the Council's control.
13. To make recommendations to the Council on any capital programme, it's content, phasing and monitoring.
14. To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts.

15. To have the direction and control of insurance in respect of the Council's property, members, and employees.
16. To provide efficient financial services and advice for the benefit of the Council.
17. To deal with applications for grants and subsidies.
18. To oversee the strategic and policy issues affecting the Council's acquisition and development of information technology and to review regularly the Council's Information Technology strategy
19. To respond to consultative documents from Government and other bodies other than those specifically allocated to other Committees or Sub-Committees.
20. To enter into legal proceedings on the Council's behalf.
21. To manage health and safety policy and issues.
22. To advise the Council on the overall strategic asset management priorities, receive regular reports on the management and condition of assets to ensure the safeguarding.
23. To manage and maintain expenditure for maintenance and the upkeep of all Council assets, land, buildings and premises.
24. To act as the Appeal Committee in the matter of disputed complaints to the Council.
25. To oversee the Council's Communication Strategy.
26. To appoint Task and Finish groups where appropriate.
27. To deal with matters not normally dealt with or specifically referred to other Committees or Sub-Committees.

### **Planning & Transport Committee**

This Committee will respond as the consultee to any planning application or consultation document relating to planning, transport and licensing ensuring that all decisions taken are aligned to the Morpeth Neighbourhood Plan and the emerging Core Strategy for Northumberland. The Committee shall elect a Chair and Vice Chair from its membership at the Council's Annual Meeting. Meetings will be scheduled monthly (however they will only be called when necessary) and has delegated powers to make binding decisions on behalf of Morpeth Town Council with regard to all aspects detailed in the terms of reference.

**Membership:** 9 plus Mayor ex officio **Quorum:** 3

### **Terms of reference**

1. The making of representations to Local Planning Authorities on applications for planning permission which have been notified in accordance with the Local Government Act 1972, Section 20, Schedule 16 and other relevant legislation.
2. To consider planning aspects of development within the Morpeth Neighbourhood Plan Area and making representation where necessary.

3. To monitor all planning applications and developmental plans and associated documents and make appropriate subsequent representations.
4. A list of all planning applications will be circulated to all Councillors on a regular basis. Applications will only be considered at Committee if they are deemed to be of significant importance due to size, impact, they are in conflict with the Morpeth Neighbourhood Plan or where there is a written objection on a valid material consideration from a member of the public.
5. Any Councillor can request that a minor application be considered in full by the Committee if there is a significant reason it should be discussed.
6. To make representations in respect of appeals against the refusal of planning permission.
7. To consider and make representation to the appropriate Planning Authority in respect of Tree Preservation Orders.
8. To consider and make representation to the appropriate Planning Authority in respect of all Licensing applications.
9. To engage appropriately qualified individuals or bodies to assist the Committee in exercising its delegated powers within the agreed budget.
10. To make recommendations to the Planning Authority regarding street naming.
11. The facilitation of economic development initiatives, including those pertaining to town centre matters, and the making of recommendations on all related matters and liaison as appropriate with other agencies.
12. To deal with all and make representation on all matters relating to transport, public paths, highways, vehicle parking and traffic management, including disabled parking bay applications.
13. To respond on all matters of general environmental importance affecting the area and to consider and comment on any policies or procedures of any other agencies as appropriate.
14. To make representations to the appropriate authority in respect of public transport services.
15. Where necessary, because of timescale, the Chief officer be authorised to respond on behalf of the Council provided they have consulted with the Chair and Vice Chair of the Planning and Transport Committee.
16. To appoint Task and Finish groups where appropriate.

## **Personnel Sub Committee**

The Personnel Committee considers all policy aspects of human resources and personnel including establishment, grading and conditions of service. The Committee will only meet as and when necessary and has delegated powers to make binding decisions on behalf of Morpeth Town Council with regard to all aspects detailed in the terms of reference where stated.

**Membership:** The Committee will consist of the Mayor, or Deputy Mayor, the Chair of the Finance and General Purposes Committee and the Chief officer.

### **Terms of reference**

1. To determine the Council's staffing structure and establishment and make recommendations to the Finance and General Purpose Committee.
2. To determine the Council's policy on deployment, welfare, superannuation, remuneration, recruitment, training, qualifications, health and safety aspects and other conditions of service of all employees and make recommendations to the Finance and General Purpose Committee.
3. To determine schemes for the employment of people under apprenticeship, job creation and youth training programmes and make recommendations to the Finance and General Purpose Committee.
4. To determine those discretionary provisions contained in the scheme of Service of the National Joint Council for Local Authorities (NJC) and NCC for administrative and professional, technical and clerical staff
5. To determine the training and qualification policy of the Council.
6. To oversee the Council's pension policy and the criteria required for eligibility and make recommendations to the Finance and General Purpose Committee.
7. Liaise with external sources, ie. NALC, and NCC where appropriate to obtain advice, guidance and information where required.

### **Disciplinary Sub Committee**

This Committee will sit when it is necessary to deal with Formal Disciplinary hearings as set out in the Disciplinary Policy. This Committee will consist of 3 Members who have not had any dealings with the process prior to the hearing as to ensure impartiality. It will be chaired by the Vice Chair of Finance and General Purposes (unless they have acted as a Deputy for the Chair of Finance and General Purposes in a Personnel Sub Committee). This should be a cross party Committee where practicable.

### **Terms of reference**

1. The Disciplinary Committee will hear evidence from both sides and will decide whether disciplinary action is justified or not.

2. Before making a decision, the Committee may take into account the employee's disciplinary and general record, actions taken in any previous similar case, the explanations given by the employee and – most important of all – whether the intended disciplinary action is reasonable under the circumstances.
3. Where the Committee find an employee guilty of misconduct they will take the appropriate action as set out in the Council's Disciplinary Policy.
4. Employees have a right to lodge an appeal within in the set time limits as set out in the Disciplinary Policy to the Appeals Committee.

### **Appeals Sub Committee**

The Appeals Committee will be empowered to consider an appeal by any employees of the Council referred to it in accordance with the appropriate Disciplinary and Capability Policies. This Committee will consist of 3 Members who have not had any dealings with the process prior to the hearing as to ensure impartiality.

## **SCHEME OF DELEGATION**

### **1. INTRODUCTION**



- 1.1. The powers and duties set out in this scheme are delegated to the Chief Officer (Town Clerk). The Chief Officer is the Council's Responsible Financial Officer and the Proper Officer and is responsible for the management of the organisation.
- 1.2. The Chief Officer may delegate these duties and powers to other Officers within the Council.

## **2. EXTENT OF DELEGATION**

- 2.1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 2.2. The Chief Officer will exercise these powers in accordance with:
  - approved budgets
  - the Council's Standing Orders and Financial Regulations
  - the Council's Policy Framework and other adopted policies of the Council
  - all statutory common law and contractual requirements
- 2.3. The Chief Officer may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.
- 2.4. Provided that such authorisation is not prohibited by statute the Chief Officer to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
  - such authorisations being in writing
  - only be given to an Officer below the delegating officer in the organisational structure
  - only being given where there is significant administrative convenience in doing so
  - the Officer authorised by the Chief officer acting in the name of the Chief Officer
  - such authorisation not being prohibited by statute.
- 2.5. A delegation to a subordinate Officer shall not prevent the Chief Officer from exercising the same power or duty at the same time.

## **3. GENERAL MATTERS**

- 3.1. The Chief Officer is authorised to:
- 3.2. Sign, or where appropriate, have sealed on behalf of the Town Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council.

- 3.3. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 3.4. Institute and appear in any legal proceedings authorised by the Council.
- 3.5. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Morpeth).
- 3.6. Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Mayor of the Council, or chairman of the Committee or Task Group concerned about the need for the change and about convenient alternative dates and times.
- 3.7. Decide arrangements for the closure of the Council offices in the Christmas/New Year period.
- 3.8. Deal with day to day matters relating to the use of office accommodation space.
- 3.9. Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Morpeth organised by the Town Council.
- 3.10. Manage all of the Council's services including:
  - Parks / Events
  - Facilities Management including St James and The Pavilion
  - Services agreed under contract for other authorities and bodies
  - Websites and social media accounts relating to the council and council activities
- 3.11. Introduce, set and vary as necessary fees and charges for the delivery of Council services and for the issue of any license, registration, consent or approval.
- 3.12. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 3.13. To apply for planning consent for the carrying out of development by the Council.
- 3.14. To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.
- 3.15. To respond to complaints made under the Council's complaints procedure and to make such ex gratia payments in settlement of such complaints as are considered justified, subject to ratification by an appropriate Committee.

3.16. To manage, monitor and review the Council's internal control procedures.

3.17. To manage, monitor and review the Council's Corporate Risk Management Strategy.

#### **4. FINANCIAL MATTERS**

4.1. The Chief officer is authorised to:

4.2. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

4.3. Operate the Council's banking arrangements.

4.4. Incur expenditure on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations

4.5. Pay all accounts properly incurred.

4.6. Pay all subscriptions to organisations to which the Council belongs.

4.7. Make all necessary arrangements for the provision of an internal and external audit service for the Council.

4.8. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.

4.9. Incur expenditure on revenue items within the approved estimates and budgets.

4.10. Incur expenditure on capital schemes within the Council's approved capital Programme.

4.11. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.

4.12. Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.

4.13. Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:  
- the cost not exceeding the approved estimate

- the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - all the requirements of the Council's Financial Regulations being complied with.
- 4.14. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 4.15. Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 4.16. Authorise action for the recovery of debts.
- 4.17. Write-off debts up to the level set by the Council.
- 4.18. Maintain a Register of Assets and Inventory of Equipment.
- 4.19. Determine the Town Council's insurance requirements on the Council's behalf.
- 4.20. Make all necessary arrangements for the Council's insurances.
- 5. STAFFING MATTERS**
- 5.1. The Chief Officer is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
- 5.2. Appointments to posts including apprentices.
- 5.3. Employment of temporary employees.
- 5.4. Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 5.5. Management of staff performance.
- 5.6. Control of discipline and performance, including the power of suspension and dismissal.
- 5.7. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 5.8. Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.

- 5.9. Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 5.10. Approve payment of overtime.
- 5.11. Agree variations to the condition of employment.
- 5.12. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 5.13. Authorise training in line with the Council's policies.
- 5.14. Authorise the provision of uniforms or protective clothing.
- 5.15. Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 5.16. Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 5.17. Agree to premature retirement on the grounds of duly certified ill health.
- 5.18. Terminate employment during probation and to review salary on completion of probationary periods.
- 5.19. Commission legal and professional advice on staffing matters.

## **6. PROPERTY MATTERS**

- 6.1. The Chief Officer is given authority to manage the land and property of the Council including:
- 6.2. Agreeing the terms of any lease, licence, conveyance or transfer.
- 6.3. The granting or refusal of the Council's consent under the terms of any lease.
- 6.4. Variations of restrictive covenants of a routine nature.
- 6.5. The granting of easements, wayleaves and licences over Council land.
- 6.6. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 6.7. Directing the custody of Town Council property and documents in accordance with the provisions of Local Government Act 1972 S226.

- 6.8. Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **7. URGENCY**

- 7.1. The Chief Officer is authorised to act on behalf of the Council in cases of urgency or emergency.
- 7.2. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Mayor, and the Chairs of any relevant Committee are to be consulted where possible before such action is taken.

## **8. EMERGENCY PLANNING**

- 8.1. The Chief Officer is authorised to implement the Council's Emergency Plan and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations.
- 8.2. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Mayor and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

## **9. PROCEDURAL**

- 9.1. The Chief Officer can:
- 9.2. Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 9.3. Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 9.4. Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Constitution and Financial Regulations.

## **10. HEALTH AND SAFETY AT WORK ACT 1974**

- 10.1. The Chief Officer is authorised to oversee the discharge of the Council's responsibilities under the Act.

## **11. LEGAL PROCEEDINGS**

- 11.1. The Chief Officer is authorised to:
- 11.2. Take and discontinue legal proceedings in any Court or at any Tribunal.

- 11.3. Take Counsel's advice or instruct Counsel to represent the Council.
- 11.4. Seek injunctions and commence proceedings for the purposes of:
  - enforcement in accordance with the Council's policies
  - recovering money due to the Council
  - recovering or otherwise preserving possession of the Council's land or property
  - defending the interests of the Council
  - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 11.5. Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 11.6. Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- 11.7. Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
- 11.8. Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 11.9. Serve Requisitions for Information.
- 11.10. Prepare a draft budget for consideration by the Council.
- 11.11. Prepare the final accounts for each financial year.