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**THE CHARTER TRUSTEES OF THE TOWN OF MARGATE**

**STANDING ORDERS**

**ADOPTED/RATIFIED: 21st May 2019**

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# **INTRODUCTION**

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

**HOW TO USE MODEL STANDING ORDERS**

Standing orders are the written rules of a local council; these model standing orders have been adapted for the Margate Charter Trustees.Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

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

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

**DRAFTING NOTES**

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

For convenience, the word Charter Trustee is used in model standing orders and, unless the context suggests otherwise.

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**INTRODUCTION FOR CHARTER TRUSTEES**

1. These Standing Orders are to be read in conjunction with the relevant sections of the Local Government Act 1972, and the Local Government Act 2009 No. 467: The Charter Trustee Regulations 2009.

These NALC model standing orders have been adapted for use by the Margate Charter Trustees in furtherance of best practice.

The remit of the Charter Trustees is limited to the following functions:

* Appointing a Mayor (Chairman)
* Ensuring the safe custody of the Charter of Incorporation; and
* Acquiring, holding, administering, maintaining and improving historic property of a ceremonial nature.

All events and activities undertaken by the Mayor’s office should have as a guiding principle ‘The Enhancement of the Mayoralty’.

1. Charter Trustees are reminded that their membership of the Charter Trustee Body is based upon them being a member of Thanet District Council, representing the relevant Wards. The National Code of Conduct therefor, applies to Charter Trustee business.

# **RULES OF DEBATE AT MEETINGS**

1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
8. A Charter Trustee may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
10. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
11. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
12. A Charter Trustee may not move more than one amendment to an original or substantive motion.
13. The mover of an amendment has no right of reply at the end of debate on it.
14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
15. Unless permitted by the chairman of the meeting, a Charter Trustee may speak once in the debate on a motion except:
16. to speak on an amendment moved by another Charter Trustee;
17. to move or speak on another amendment if the motion has been amended since he last spoke;
18. to make a point of order;
19. to give a personal explanation; or
20. to exercise a right of reply.
21. During the debate on a motion, a Charter Trustee may interrupt only on a point of order or a personal explanation and the Charter Trustee who was interrupted shall stop speaking. A Charter Trustee raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
22. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
23. When a motion is under debate, no other motion shall be moved except:
24. to amend the motion;
25. to proceed to the next business;
26. to adjourn the debate;
27. to put the motion to a vote;
28. to ask a person to be no longer heard or to leave the meeting;
29. to refer a motion to a committee or sub-committee for consideration;
30. to exclude the public and press;
31. to adjourn the meeting; or
32. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
33. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
34. Excluding motions moved under standing order 1(r), the contributions or speeches by a Charter Trustee shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

# **DISORDERLY CONDUCT AT MEETINGS**

1. 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.
2. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any Charter Trustee or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
3. If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

# **MEETINGS GENERALLY**

Full Council meetings Four annually in addition to the Annual General Meeting

Committee meetings Executive monthly

Sub-committee meetings Quarterly

The Town Mayor may call extra meetings if he/she considers this necessary. Except in an emergency, 7 days’ notice will be given

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| 1. **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.**
 |
| 1. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
 |
| 1. **The minimum three clear days’ public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
 |
| 1. **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.**
2. Members pf the public may make reprsentations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda
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| 1. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 3 minutes unless directed by the chairman of the meeting.
 |
| 1. Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
 |
| 1. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
 |
| 1. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
 |
| 1. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
 |
| 1. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
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| 1. **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
 |
| 1. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 |
| 1. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
 |
| 1. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Charter Trustees may in his absence be done by, to or before the Vice-Chairman of the Charter Trustees (if there is one).**
 |
| 1. **The Chairman of the Charter Trustees, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Charter Trustees (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Charter Trustee as chosen by the Charter Trustees present at the meeting shall preside at the meeting.**
 |
| 1. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Charter Trustees.**
 |
| 1. **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Charter Trustees at the annual meeting of the Charter Trustees* |
| 1. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Charter Trustee, the voting on any question shall be recorded so as to show whether each Charter Trustee present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
 |
| 1. The minutes of a meeting shall include an accurate record of the following:
2. the time and place of the meeting;
3. the names of Charter Trustees who are present and the names of Charter Trustees who are absent;
4. interests that have been declared by councillors and the grant of dispensations (if any) to Charter Trustees
5. whether a Charter Trustee left the meeting when matters that they held interests in were being considered;
6. if there was a public participation session; and
7. the resolutions made.
 |
| 1. **A Charter Trustee who has a disclosable pecuniary interest or another interest as set out in the Charter Trustee’s code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
 |
| 1. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Charter Trustees are present and in no case shall the quorum of a meeting be less than seven.**

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

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|  | 1. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
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|  | 1. A meeting shall not exceed a period of 3 hours.
 |

# **COMMITTEES AND SUB-COMMITTEES**

1. **Unless the Charter Trustees determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
2. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
3. **Unless the Charter Trustees determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
4. The Charter Trustees may appoint standing committees or other committees as may be necessary, and:
5. shall determine their terms of reference;
6. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Charter Trustees;
7. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
8. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee; shall not appoint any member of a committee so as to hold office later that the Annual General Meeting of the Charter Trustees
9. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
10. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
11. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
12. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
13. shall determine if the public may participate at a meeting of a committee;
14. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
15. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
16. may dissolve a committee or a sub-committee.
17. Any Charter Trustee may be present and take part in any meeting of a committee notwithstanding that he/she is not a member of such a committee, but he/she shall not be permitted to vote

# **ORDINARY CHARTER TRUSTEE MEETINGS**

1. **In an election year, the annual meeting of the Charter Trustees shall be held on or within 14 days following the day on which the councillors elected take office.**
2. **In a year which is not an election year, the annual meeting of the Charter Trustees shall be held on such day in May as the Charter Trustees decide.**
3. **If no other time is fixed, the annual meeting of the Charter Trustees shall take place at 6pm.**
4. **In addition to the annual meeting of the Charter Trustees, at least three other ordinary meetings shall be held in each year on such dates and times as the Charter Trustees decide.**
5. **The first business conducted at the annual meeting of the Charter Trustees shall be the election of the Mayor and Deputy Mayor (if there is one) of the Charter Trustees.**
6. **The Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Charter Trustees.**
7. **The Deputy Mayor, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Charter Trustees.**
8. **In an election year, if the current Mayor has not been re-elected as a member of the Charter Trustees he shall preside at the annual meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but shall give a casting vote in the case of an equality of votes.**
9. **In an election year, if the current Mayor has been re-elected as a member of the Charter Trustees, he shall preside at the annual meeting until a new Mayor has been elected. He may exercise an original vote in respect of the election of the new Mayor and shall give a casting vote in the case of an equality of votes.**
10. Following the election of the Mayor and Deputy Mayor (if there is one) of the Charter Trustees at the annual meeting, the business shall include:
	* 1. **In an election year, delivery by the Mayor and Charter Trustees of their acceptance of office forms unless the Charter Trustees resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of his acceptance of office form unless the Charter Trustees resolves for this to be done at a later date;**
		2. Confirmation of the accuracy of the minutes of the last meeting of the Charter Trustees;

Appointment of one representative and a substitute to the Association of Charter Towns

Appointment of four cheque signatories

Appoitment of a Charter Trustee to oversee the financial operations of the Civic Office

* + 1. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
		2. Review of the terms of reference for committees;
		3. Appointment of members to Executive and existing committees;
		4. Appointment of any new committees in accordance with standing order 4;
		5. Review and adoption of appropriate standing orders and financial regulations;
		6. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
		7. Review of representation on or work with external bodies and
		8. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

1. **The Chairman of the Charter Trustees may convene an extraordinary meeting of the Charter Trustees at any time.**
2. **If the Chairman of Charter Trustees does not call an extraordinary meeting of the Charter Trustees within seven days of having been requested in writing to do so by two Charter Trustees, any two Charter Trustees may convene an extraordinary meeting of the Charter Trustees. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Charter Trustees.**
3. The chairman of a committee may convene an extraordinary meeting of the committee at any time.
4. If the chairman of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of the committee

# **PREVIOUS RESOLUTIONS**

1. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Charter Trustees to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
2. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

# **VOTING ON APPOINTMENTS**

1. Where more than two persons have been nominated for a position to be filled by the Charter Trustees and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

1. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Charter Trustee’s statutory functions, powers and obligations or an issue which specifically affects the Charter Trustees area or its residents.
2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
4. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the Charter Trustees who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
7. Motions received shall be recorded and numbered in the order that they are received.
8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

# **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

1. The following motions may be moved at a meeting without written notice to the Proper Officer:
	1. to correct an inaccuracy in the draft minutes of a meeting;
	2. to move to a vote;
	3. to defer consideration of a motion;
	4. to refer a motion to a particular committee or sub-committee;
	5. to appoint a person to preside at a meeting;
	6. to change the order of business on the agenda;
	7. to proceed to the next business on the agenda;
	8. to require a written report;
	9. to appoint a committee or sub-committee and their members;
	10. to extend the time limits for speaking;
	11. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
	12. to not hear further from a Charter Trustee or a member of the public;
	13. to exclude a Charter Trustee or member of the public for disorderly conduct;
	14. to temporarily suspend the meeting;
	15. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
	16. to adjourn the meeting; or
	17. to close the meeting.

# **MANAGEMENT OF INFORMATION** *See also standing order 20.*

1. **The Charter Trustees 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.**
2. **The Charter Trustees 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 Charter Trustee’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).**
3. **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.**
4. **Charter Trustees, staff, the Charter Trustee’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

# **DRAFT MINUTES**

Full Charter Trustee meetings ●

Committee meetings ●

Sub-committee meetings ●

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|  | 1. If the draft minutes of a preceding meeting have been served on Charter Trustees with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
 |
|  | 1. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
 |
|  | 1. 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.
 |
|  | 1. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.” |
|  | 1. **If the Charter Trustee’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
 |
|  | 1. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
 |

# **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

1. All Charter Trustees shall observe the code of conduct adopted by the Charter Trustees..
2. Unless he has been granted a dispensation, a Charter Trustee shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
3. Unless he has been granted a dispensation, a Charter Trustee shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Charter Trustee’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
4. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
5. A decision as to whether to grant a dispensation shall be made by a meeting of the Charter Trustees, or committee or sub-committee for which the dispensation is required and that decision is final.
6. A dispensation request shall confirm:
	* 1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
		2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
		3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
		4. an explanation as to why the dispensation is sought.
7. Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Charter Trustees or committee or sub-committee for which the dispensation is required].
8. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
	1. **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;**
	2. **granting the dispensation is in the interests of persons living in the Charter Trustee’s area; or**
	3. **it is otherwise appropriate to grant a dispensation.**

# **CODE OF CONDUCT COMPLAINTS**

1. Upon notification by the District or Unitary Council that it is dealing with a complaint that a Charter Trustee has breached the Charter Trustee’s code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Charter Trustees.
2. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Charter Trustees 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 Charter Trustees have agreed what action, if any, to take in accordance with standing order 14(d).
3. The Charter Trustees may:
	1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
	2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
4. **Upon notification by the District or Unitary Council that a Charter Trustee with voting rights has breached the Council’s code of conduct, the Charter Trustees shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

# **PROPER OFFICER**

1. The Proper Officer shall be either the clerk or (ii) other staff member(snominated by the Charter Trustees to undertake the work of the Proper Officer when the Proper Officer is absent.
2. The Proper Officer shall:
	1. **at least three clear days before a meeting of the Charter Trustees, a committee** or a sub-committee**,**
* **serve on Charter Trustees by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Charter Trustee has consented to service by email), and**
* **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Charter Trustees convened by Charter Trustees is signed by them).**

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

* 1. subject to standing order 9, include on the agenda all motions in the order received unless a Charter Trustee has given written notice at least 7 days before the meeting confirming his withdrawal of it;
	2. **convene a meeting of the Charter Trustees for the election of a new Chairman of the Charter Trustees, occasioned by a casual vacancy in his office;**
	3. **facilitate inspection of the minute book by local government electors;**
	4. **receive and retain copies of byelaws made by other local authorities;**
	5. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Charter Trustee’s relevant policies and procedures;
	6. receive and send general correspondence and notices on behalf of the Charter Trustees except where there is a resolution to the contrary;
	7. assist in the organisation of, storage of, access to, security of and destruction of information held by the Charter Trustees in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
	8. arrange for legal deeds to be executed;

(*see also standing order 23);*

* 1. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Charter Trustees in accordance with its financial regulations;
	2. manage access to information about the Charter Trustees via the publication scheme; and
	3. retain custody of the seal of the Charter Trustees (if there is one) which shall not be used without a resolution to that effect.

(s*ee also standing order* *23).*

# **RESPONSIBLE FINANCIAL OFFICER**

1. The Charter Trustees shall appointappropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

# **ACCOUNTS AND ACCOUNTING STATEMENTS**

1. “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
2. All payments by the Charter Trusteesl shall be authorised, approved and paid in accordance with the law, proper practices and the Charter Trustee’s financial regulations.
3. The Responsible Financial Officer shall supply to each Charter Trustee as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
	* 1. the Charter Trustee’s receipts and payments (or income and expenditure) for each quarter;
		2. the Charter Trustees aggregate receipts and payments (or income and expenditure) for the year to date;
		3. the balances held at the end of the quarter being reported and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

1. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
	* 1. each Charter Trustee with a statement summarising the Charter Trustee’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
		2. to the Charter Trustee body the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
2. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Charter Trustees (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Charter Trustees at least 14 days prior to anticipated approval by the Charter Trustees. The annual governance and accountability return of the Charter Trustees, which is subject to external audit, including the annual governance statement, shall be presented to the Charter Trustees for consideration and formal approval before 30 June.

# **FINANCIAL CONTROLS AND PROCUREMENT**

1. The Charter Trustees shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
2. the keeping of accounting records and systems of internal controls;
3. the assessment and management of financial risks faced by the Charter Trustees;
4. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
5. the inspection and copying by Charter Trustees and local electors of the Charter Trustee’s accounts and/or orders of payments; and
6. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
7. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
8. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Charter Trustees to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
9. Subject to additional requirements in the financial regulations of the Charter Trustees, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
10. a specification for the goods, materials, services or the execution of works shall be drawn up;
11. an invitation to tender shall be drawn up to confirm (i) the Charter Trustees specification (ii) the time, date and address for the submission of tenders (iii) the date of the Charter Trustee’s written response to the tender and (iv) the prohibition on prospective contractors contacting Charter Trustees or staff to encourage or support their tender outside the prescribed process;
12. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
13. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
14. tenders shall be opened by the Proper Officer in the presence of at least one Charter Trustee after the deadline for submission of tenders has passed;
15. tenders are to be reported to and considered by the appropriate meeting of the Charter Trustees or a committee or sub-committee with delegated responsibility.
16. Neither the Charter Trustees, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
17. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
18. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016**

# **HANDLING STAFF MATTERS**

1. A matter personal to a member of staff that is being considered by a meeting of the Human Resources committee is subject to standing order 11.
2. Subject to the Charter Trustee’s policy regarding absences from work, the Charter Trustee’s most senior member of staff shall notify the chairman of the Human Resources committee, or if he is not available, the vice-chairman (if there is one) of the HR committee, of absence occasioned by illness or other reason and that person shall report such absence to the HR committee at its next meeting.
3. The chairman of the HR committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff’s job title. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Charter Trustees
4. Subject to the Charter Trustee’s policy regarding the handling of grievance matters, the Charter Trustees most senior member of staff (or other members of staff) shall contact the chairman of the HR committee or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the HR committee]
5. Subject to the Charter Trustees policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff’s job title] relates to the chairman or vice-chairman of the HR committee this shall be communicated to another member of the HR committee, which shall be reported back and progressed by resolution of the Charter Trustees
6. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
7. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

# **APPOINTMENT OF OFFICERS**

a. All vacancies to be filled in offices under the Charter Trustees, to provide clerical, secretarial, Mayoral attendant/Driver, unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Charter Trustees otherwise determine.

b. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacamcy occurs, the Charter Trustees may appoint one of the former applicants.

c. Where a standing deputy of an office has not been appointed the Charter Trustees may, if they think fit, appoint an fix the remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

# **APPOINTMENT OF HONORARY OFFICERS**

a. **Honorary Town Clerk**

 An Honorary Town Clerk shall be appointed to supervise the arrangements for all ceremonial occasions and ensure that these are conducted in accordance with custom and usage. The Honorary Town Clerk may attend Charter Trustee meetings and speak, but not vote.

 **Honoray Town Recorder**

 A suitably qualified person shall be appointed to act as Honorary Recorder

 **Mayor’s Chaplain**

 The Mayor may, if he so wishes appoint a Chaplain.

 **Honorary Burgess**

 The Charter Trustees shall have the power to reward suitable persons with the office of Honorary Burgess, this office to replace the previous title of Honorary Freeman. The criteria for recipients of this award shall be ‘Persons who have, in the opinion of the Charter Trustees, rendered eminent and exceptional services to the Town of Margate”.

 **ORDER OF PRECEDENCE IN PROCESSION**

 This shall be: Mace – borne by Town Sergeant or Mace-bearer

 Mayor and Mayoress (or Consort)

 Honoray Recorder

 Honorary Town Clerk

 Freemen and Honorary Burgesses (in order of appointment)

 Deputy Mayor and Mayoress (or Consort)

 Charter Trustees (in order of seniority of Service)

# **22 RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 22.*

1. **In accordance with freedom of information legislation, the Charter Trustees shall publish information in accordance with its publication scheme and respond to requests for information held by the Charter Trustees.**

**The Charter Trustees, 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 11.*

1. **The Charter Trustees shall appoint a Data Protection Officer.**
2. **The Charter Trustees shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
3. **The Charter Trustees shall have a written policy in place for responding to and managing a personal data breach.**
4. **The Charter Trustees 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.**
5. **The Charter Trustees shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
6. **The Charter Trustees shall maintain a written record of its processing activities.**

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

1. Requests from the press or other media for an oral or written comment or statement from the Charter Trustees, its members or staff shall be handled in accordance with the Charter Trustee’s policy in respect of dealing with the press and/or other media.

# **25 EXECUTION AND SEALING OF LEGAL DEEDS**

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

1. A legal deed shall not be executed on behalf of the Charter Trustees unless authorised by a resolution.
2. **Subject to standing order 23(a), the Charter Trustee’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Charter Trustees who shall sign the deed as witnesses.**

*The above is applicable to a Charter Town with a common seal.*

# **26 COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

1. An invitation to attend a meeting of the Charter Trustees shall be sent, together with the agenda to the County Councillor for the Ward Unless the Charter Trustees determines otherwise,.**27 RESTRICTIONS ON CHARTER TRUSTEE ACTIVITIES**
	1. Unless duly authorised no Charter Trustee shall:
2. inspect any land and/or premises which the Charter Trustees have a right or duty to inspect; or
3. issue orders, instructions or directions.

# **28 STANDING ORDERS GENERALLY**

1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
2. A motion to add to or vary or revoke one or more of the Charter Trustee’s standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 Charter Trutees to be given to the Proper Officer in accordance with standing order 9.
3. The Proper Officer shall provide a copy of the Charter Trustee’s standing orders to a Charter Trustee as soon as possible.
4. The decision of the chairman of a meeting as to the application of standing orders shall be final.