

YARM TOWN COUNCIL



STANDING ORDERS

For the regulation of the proceedings and business of the Council and made by the Council under and in pursuance of the Local Government Act 1971, on the twenty second day of September 1987 and revised on the tenth day of October 1995; the twenty-fourth day of April 2001, the eleventh day of December 2001, the twenty-fourth day of June 2003, and the eleventh day of December 2007. The eighth day of February 2011, the twenty seventh day of October 2011, the eleventh day of December 2012, the ninth day of July 2013 and revised on the 13th of January 2015 and revised on 15th May 2019. **DRAFT Revised April 2021 - IN ORDER OF MODEL STANDING ORDERS. WORKING GROUP CORRECTIONS ADDED - August 2021; APPROVED YTC 14TH September 2021.**

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KEY

Blue Type	=	Model SOs (Model Standing Orders were last revised 2020)
Blue Type	=	Mandatory - Model Standing Orders
Plain/Black Type	=	YTC wording not in Model

STANDING ORDERS

1.1 Rules of Debate

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- c. A motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

substantive motion immediately **before** it is put to the vote.

o. Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another Councillor;
- ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;
- iii. to make a point of order;
- iv. to give a personal explanation; or
- v. to exercise a right of reply.

p. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

q. A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.

r. When a motion is under debate, no other motion shall be moved except:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be no longer heard or to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

t. Excluding motions moved under standing order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed **(3)** minutes without the consent of the Chair of the meeting.

1.2 Questions

a. Questions not related to items of business on the agenda for a meeting shall only be asked during any adjournment to the meeting for the purposes of public participation at the discretion of the Chair (and relates to all present at the meeting).

2. Disorderly Conduct at Meetings

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

3. Meetings - General

The following codes show the meetings to which each order applies:

Mandatory for full Council meetings *

Mandatory for committee meetings *

Mandatory for subcommittee meetings *

- a. * Both the Weigh and Tolls & Ordinary Meetings of the Town Council shall be held in the Town Hall or Fellowship Hall (according to need and accessibility requirements).
- b. Meetings of the Council Weigh and Tolls Committee (appendix 1 to be added, gives the historic background to Weigh & Tolls) shall be held every second Tuesday of the month at 7.00 pm, immediately followed by the Ordinary Meeting of the Town Council. Both meetings combined shall not exceed a period of (2.5) hours in length unless a motion to suspend Standing Orders in this respect has been approved.
- c. * * 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.
- d. * 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.
- e. * 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
- f. * * 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.
- g. Members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included on the agenda during the public session and at the discretion of the

meeting's Chair.

- h. The period of time designated for public participation at a meeting in accordance with standing order 3(g) shall not exceed **15** minutes unless directed by the Chair at his/her discretion.
 - i. Subject to Standing Order 3(h) a member of the public shall not speak for more than **3** minutes, unless directed by the Chair of the meeting at his/her discretion.
 - j. In accordance with 3 (g) a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
 - k. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). At the Chair's discretion a person may remain seated whilst speaking. The Chair of the meeting may at any time permit a person to be seated when speaking.
 - l. Any person speaking at a meeting shall address his/her comments to the Chair of the meeting.
 - m. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
 - n. *** * *** Subject to standing order 3(o), 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.
 - o. *** * *** A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
 - p. *** * *** 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.
 - q. ***** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council.
 - r. ***** The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
 - s. *** * *** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors (and non-Councillors with voting rights) present and voting thereon.
 - t. *** * *** The Chair 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/her casting vote whether or not he gave an original vote.
- See standing orders 5.1 h, i and j for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- u. *** * *** Unless standing orders provide otherwise, 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 his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda, and providing the request is made prior to the vote being taken.

This practice is to be adopted for all YTC meetings.

- v. *** The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. the names of Councillors who are present, the names of those who have sent apologies and the names of Councillors who are absent;
 - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
 - iv. the grant of dispensations (if any) to Councillors and non-Councillors with voting rights;
 - v. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

w. *** **A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.**

x. * **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a Full Council or Finance and Governance meeting be less than** four;

** The quorum for all other committees (including subcommittees) shall be three.

y. *** **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any outstanding business of a meeting so adjourned shall be transacted at the next meeting.

z. *** A deputation may be received at any meeting of the Council if permission is given by the Council upon a motion duly moved, seconded and carried by a majority of the members present : Provided that:

- i. notice of any deputation and details of information s to what is to be presented is given to the Town Clerk and received by him/ her not later than 10 a.m. on the day preceding the day of the meeting;
- ii. the members of a deputation shall not exceed three in number; speeches, inclusive of the reading of the memorial (if one is to be presented), shall be of no more than 10 minutes duration, unless at the Chair's discretion.
- iii. not more than one deputation shall be received at any meeting of the Council .

aa. *** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.

4. Committees & Sub Committees

a. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b. The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.

c. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.

d. The Annual Parish Assembly meeting will take place on the first Tuesday in April, if no other time is fixed, the Annual Parish Assembly meeting of the Council will take place at 7pm.

e. The Council may, at its Annual Meeting, appoint committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall permit committees to determine the number, dates and times of their meetings;
- iii. shall, subject to standing orders 4(b) and (c) appoint and determine the term of office of Councillors or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. shall permit a committee to appoint its own Chair at the first meeting of the committee;
- v. shall determine the place, notice requirements and quorum for a meeting of a committee a which, in both cases, shall be no less than three
- vi. shall determine if the public may participate at a meeting of a committee - the public can participate at the appropriate section of any council committee meeting, at the discretion and invitation of the Chair;
- vii. may dissolve a committee;
- viii. any Councillors may attend committee meetings and participate in any debate, but only those Councillors appointed to the committee, and the Chair, as ex-officio member of the committee, are permitted to vote;
- ix. no committee shall commit the Council to any course of action or expenditure (over £500) or shall make representations in the name of the Council, without the Council's prior and express consent;
- x. a committee has discretionary spend up to £500 for items agreed in the annual budget that
 - a) are agreed at a committee meeting;
 - b) do not take the Council over budget for the cost centre heading in question (e.g. allotments, cemeteries) and
 - c) are notified to the Full YTC / Ordinary Council meeting at the next opportunity.

5. Annual and Ordinary Meetings

5.1 Ordinary Council Meetings

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.
- b. In a year which is not an election year, the statutory Annual Meeting of the Council shall be held on the second Tuesday in May OR 'shall be held on such day in May as the Council decides').
- c. If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.
- d. In addition to the Annual meeting of the Council, at least three other ordinary meetings shall be held on such dates and times as the Council decides.
- e. The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.
- f. The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g. The Chair of the Council shall hold office for no more than two consecutive years in any four-year period i.e. from the point of election at the annual meeting, not including any period of service as interim Chair for part of a year.
- h. The Vice-Chair of the Council, if there is one, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- i. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- k. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
 - i. to accept apologies for absence;
 - ii. in an election year, delivery by Chair of the Council and Councillors of their signed declarations of acceptance of office 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 Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - iii. in an election year, delivery by Councillors of their signed declarations of interests (if not received prior to the meeting);
 - iv. confirmation of the accuracy of the minutes of the last meeting of the Council and to approve their signing as such by the Chair of the meeting;
 - v. receipt of the minutes of the last meeting of a committee and to approve their signing as such by the Chair of that meeting;
 - vi. to elect Chairs and appoint members for existing committees;

- vii. to elect a Lead Councillor for Finance (NB this is not the role of Responsible Finance Officer, which is the Clerk); **in the absence of a Clerk RFO, the council should also elect or agree how the role of RFO should be fulfilled i.e. subject to audit regulations, not an elected member**);
- viii. **appointment of any new committees in accordance with standing order 4** (and to then proceed according to vi) above;
- ix. to elect a Rate Payers representative to the Weigh & Tolls Committee;
- x. **review of representation on or work with external bodies and arrangements for reporting back**;
- xi. **confirm arrangements to review terms of reference for existing and new committees**;
- xii. confirm arrangements to review agreements **(including legal agreements) with other local authorities, not-for-profit bodies and/or businesses**;
- xiii. **confirmation of arrangements to review the Council's Risk Register**;
- xiv. **confirmation of arrangements for insurance cover in respect of all insurable risks**;
- xv. confirmation of arrangements/ timetable to review all policies, procedures and terms of reference (e.g. financial, code of conduct, allotments, cemeteries, equal opportunities, publication scheme, FOI, data protection - *see also SOs 11, 20 & 21*, risk assessments, PR & (social) media, employment, complaints, appeals and flag flying);
- xvi. **review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence**;
- xvii. **in an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future**;
- xviii. **determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.**

5.2 Ordinary Council Meetings (meetings following the Annual Meeting)

- a. The order of business at every other full meeting of the Town Council shall be as follows:
 - i. to appoint a Chair of the meeting if both the Chair and the Vice Chair are absent;
 - ii. to accept apologies for absence;
 - iii. to record declarations of interest and to consider, vote upon and record any requests for dispensation;
 - iv. after consideration, to accept the minutes of the previous Council meeting, Weigh & Tolls, committees or EGMs as constituting an accurate record and to approve their signing by the Chair of the meeting;
 - v. to deal with any matters arising from the previous minutes;
 - vi. to authorise the payment of accounts and to attend to any other financial related matters;
 - vii. to consider the correspondence list;
 - viii. to adjourn the meeting to allow members of the public to address the Council;

- ix. to consider any items under Policy and Resources;
- x. to consider any items under Planning & Environment;
- xi. to consider any matters under Staffing;
- xii. to agree content for YTC website and social media that YTC is part of;
- xiii. to receive items for information and consideration for the next agenda;
- xiv. to confirm the date of the next meeting of the Town Council;
- xv. confidential items.

5.3 Meetings - Pre-election Period

a. In an election year, special rules will apply to meetings for 25 days prior to polling day i.e. from the day the election is usually called.

b. During this period the Council's powers, facilities and resources must not be used for electoral campaigning or political purposes.

c. The Town Council's normal business should be transacted as usual with any items which could be deemed as influential to political gain removed. The Town Council cannot make a decision to spend a large amount of money on a project as it is possible that the Councillors may not be re-elected and it may leave the new Council beholding to a financial burden.

6. Extraordinary Meetings and Committees

(includes Weigh & Tolls; see also Standing Order 3.)

6.1 Extraordinary Meetings

- a. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.** In the absence of the Chair, the Vice-Chair may convene an extraordinary meeting.
- b. **If the Chair of the Council does not call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by 2 Councillors, any 2 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 2 Councillors.**
- c. The Chair of a committee may convene an extraordinary meeting of the committee at any time.
- d. If the Chair of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, those 2 Councillors may convene an extraordinary meeting of the committee. The statutory public notice giving the time, place and agenda for such a meeting must be signed by the said 2 Councillors.

6.2 Weigh and Tolls Committee

(N.B. appendix to be added to explain the W&T history & emergence of role of Rate Payer's Representative)

- a. The purpose of the Weigh & Tolls Committee is:
 - i. to administer the Town Hall, Yarm Fair, the rights to charge standage and the right to grant use of the High Street, in accordance with the deeds of indenture of 1925.

- ii. to have plenary powers.
- iii. to operate within a Council approved budget.
- iv. to oversee and ensure the appointment of a Rate Payers Representative.

7. Recession of Previous Resolutions

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 Councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee and is placed on the agenda for the next full Council meeting.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. Voting on Appointments

- a. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

9. Motions Requiring Written Notice to be Given to the Proper Officer

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. Motions requiring written notice must be received by the Proper Officer at least 5 clear days before the meeting (not including the day of the meeting). Clear days do not include the day of submitting the motion or the day of the meeting. Motions submitted less than 5 clear days before the meeting will not be accepted, other than to be included on the agenda of the next meeting.
- c. The Proper Officer may, before including a motion in the agenda received in accordance with standing orders 9(b), correct obvious grammatical errors or typographical errors in the wording of the motion.
- d. If the Proper Office considers the wording of the motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so it can be understood at least 4 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. Motions not Requiring Written Notice.

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:

- i. to correct an inaccuracy in the draft minutes of the previous meeting;
- ii. to approve the accuracy of the minutes of the previous meeting.
- iii. to move to a vote;
- iv. to defer consideration of a motion;
- v. to refer a motion to a particular committee or an employee;

(N.B. If a motion falls within the terms of reference of a committee or a subcommittee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or subcommittee or employee provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience);

- vi. to appoint a person to preside at the meeting;
- vii. to approve the absence of Councillors;
- viii. to change the order of business on the agenda for reasons of urgency or expedience;
- ix. to proceed to the next business on the agenda;
- x. dispose of business, if any, remaining from the last meeting;
- xi. to require / consider a written report and/or recommendation made by a committee or a sub committee, employee, professional advisor, expert or consultant;
- xii. to appoint a committee or sub-committee and their members;
- xiii. to dissolve a committee or sub-committee;
- xiv. to note the minutes of a committee or sub-committee;
- xv. to extend the time limits for speaking;
- xvi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xvii. to not hear further from a Councillor or member of the public;
- xviii. to exclude a Councillor or a member of the public for disorderly conduct;
- xix. to answer questions from Councillors;
- xx. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- xxi. to authorise the payment of monies up to **£500** (that are budgeted for and relate directly to the agenda item; those that are not budgeted for require a written report and constitute a motion requiring written notice) ;
- xxii. to authorise legal deeds (to be sealed by the Council's common seal) OR (signed by two Councillors) and witnessed. (see standing order 15.b.xi)
- xxiii. to give the consent of the Council if such consent is required by standing orders;
- xxiv. to suspend any standing orders (unless it reflects mandatory statutory or legal requirements);

- xxv. to temporarily suspend the meeting;
- xxvi. to adjourn a meeting; or
- xxvii. to close the meeting.

11. Management of Information

See also standing order 20.

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. Draft Minutes

- 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, 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 minutes shall be raised in accordance with standing order 10.a) i. above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chair 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/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings".
- e. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of Conduct

13.1 Code of Conduct and Dispensations

See also standing order 3(w).

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

13.2 Members Duties

- a. Duty to act within powers -

A member of the Council must:

- i. act in accordance with the Councils Standing Orders;
- ii. only exercise powers for the purpose for which they are conferred;

b. Duty to promote the success of the Council -

Any decision which the Council takes must be taken in a way they consider, in good faith, would be most likely to promote the success of the local community for the benefit of its residents as a whole, and in doing so have regard (amongst other matters) to:

- i. the likely consequences of any decision in the long term;
- ii. the interests of the residents;
- iii. the need to foster the Council's relationships with community groups, local businesses and others;
- iv. the impact on the Council's operations on the community and the environment;
- v. the desirability of the Council to maintain a reputation for high standards of conduct and
- vi. the need to act fairly as between members of the Council and residents.

c. Duty to exercise independent judgement -

- i. a member of the Council must exercise independent judgement -
this duty is not infringed by his/her acting;
- ii. in accordance with agreement duly entered into by the Council that restricts the future exercise of discretion by its members, or
- iii. in a way authorised by the Councils constitution.

d. Duty to avoid conflicts of interest -

- i. a member of the Council must avoid a situation in which he has, or can have, a direct or indirect interest, or possibly may conflict, with the interests of the Council;
- ii. this applies in particular to the exploitation of any property, information or opportunity (and it is immaterial whether the Council could take advantage of the property, information or opportunity);
- iii. this duty does not apply to conflict of interest arising in relation to a transaction or arrangement with the Council;
- iv. this duty is not infringed if
 - the situation cannot reasonably be regarded as likely to give rise to a conflict of interest or
 - the matter has been authorised by the Council;
- v. the authorisation is effective only if
 - any requirements as to the quorum at the meeting at which the matter is considered is met without counting the member in question or any other interested member, and
 - the matter was agreed without their voting or would have been agreed to if their votes had not been counted;
- vi. any reference in this section to a conflict of interest includes a conflict of interest and duty and a conflict of duties.

e. Duty not to accept benefits from third parties -

- i. a member of the Council must not accept a benefit from a third party conferred by reason of
 - a) his/her being a member of the Council;
 - b) his/her doing (or not doing) anything as a member of the Council;
 - ii. “third party” means a person other than the Council, an associated body corporate or a person acting on behalf of the Council or an associated body corporate;
 - iii. benefits received by a member of the Council from a person by whom his/her services (as a member or otherwise) are provided to the Council are not regarded as conferred by third parties;
 - iv. this duty is not infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest;
 - v. any reference in this section to a conflict of interest includes a conflict of interest and duty and a conflict of duties.
- f. Duty of Conduct that is in line with Nolan Principles and Standing Orders -
- i. disorderly conduct may, in the Chair’s view, include a Councillor’s failure to observe standing orders more than three times in one meeting & may result in him/her being excluded from the meeting in accordance with standing orders.
- g. Inspection of documents -
- i. Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his/her official duties (but not otherwise), inspect any document in the possession of the Council or a committee or sub committee, and request a copy for the same purpose; the minutes of the meeting of the Council, its committees or subcommittees shall be available for inspection by Councillors.

14. [Allegations of breaches of the] / Code of Conduct Complaints

a. Under the Localism Act 2011 an alleged failure to comply with the Town Council’s Code of Conduct and Nolan Principles must be dealt with under arrangements established by a principal authority (not a Town Council) under which allegations can be investigated and decisions on allegations can be made.

b. On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall refer it to Stockton-on-Tees Borough Council’s Monitoring Officer.

c. A notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.

d. Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council’s code of conduct, the Proper Officer shall, subject to standing order 11, receive and hold the complaint.

e. Where the notification in standing order 14(d) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the

Council has agreed what action, if any, to take in accordance with standing order 14(g).

f. 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;

g. If an alleged breach of the Code of Conduct is upheld it is for the Town Council, **upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

15. Proper Officer

a. The Proper Officer shall be either (i) the Clerk or ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent. (N.B. a Councillor may act as clerk i.e. in the taking of minutes and formulating/distribution of agendas and minutes, and notification of times/ dates/ venues for meetings if the temporary need arises);

b. The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or subcommittee,**
 - **Serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

See standing orders 3d and 3e for the meaning of clear days for a meeting of a full council and for the meaning of clear days for a meeting of a committee;

- ii. **convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;**
- iii. **facilitate inspection of the minute book by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. receive and retain declarations of acceptance of office from Councillors (with copies sent to the Borough Council/ Principle Authority);
- vi. **retain a copy of every Councillors register of interest, dispensation and any changes to it and keep copies of the same available for inspection;**
- vii. keep proper records required before and after meetings;
- viii. **assist with responding to requests made under the Freedom of Information legislation and Data Protection legislation, in accordance with and subject to the Council's relevant policies and procedures;**
- ix. **receive and send general correspondence and notices on behalf of the Council**

except where there is a resolution to the contrary.

- x. manage the organisation, storage of and access to information held by the Council in paper and electronic form and security and destruction subject to legal requirements ;
- xi. arrange for legal deeds to be executed (i.e. by 2 Councillors and witnessed- see *also standing order 23*);
- xii. 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;
- xiii. record every planning application notified to the Council and the Council's responses to# the local planning authority in a book or electronically for such purposes;
- xiv. ensure all planning applications received from Stockton Borough Council (the principal authority) are circulated to council members for any objections or response to be agreed at the next council meeting;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (*see also standing order 23*);
- xvii. action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders;
- xviii. all negotiations, legal, commercial or otherwise must be dealt with by the Proper Officer - these duties cannot be carried out by a Councillor.

16. Responsible Financial Officer

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

17. Accounts and Accounting Statements

17.1 Accounts and Financial / Accounting Statements

a. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

c. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- iii. the balances held at the end of the quarter being reported and

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

overspends.

d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
- ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council income and expenditure for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

17.2 Expenditure *(in addition to Standing Order 17.1 above)*

a. Any recommendations or motion which, if carried, would, in the opinion of the person chairing the meeting, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of the Council shall stand adjourned without discussion to the next ordinary meeting of the Council.

b. All cheques and other orders or instructions authorising the payment of money shall be signed on behalf of the Council by any 2 of 3 formally approved signatories who are members of the Council.

c. All requests to deliver up any item held on behalf of the Council in safe custody or for any other purpose or requests to transfer funds between current and deposit accounts shall be signed by any of the two of three approved Councillors ref 17.2 (b) above

d. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Councils functions to be delegated to a committee, sub-committee or its employee.

18. Finance

18.1 Financial controls & procurement

a. The Council shall consider and approve financial regulations drawn up by the Responsible Finance Officer, which shall include detailed arrangements in respect of the following:

- i. The keeping of accounting records and systems of internal control.
- ii. The assessment and management of financial risks faced by the Council.
- iii. The work of the independent Internal Auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- iv. The inspection and copying by Councillors and local electors of the Councils accounts and/or orders of payments; and
- v. whether contracts with an estimated value below **£25,000** due to special circumstances are

exempt from a tendering process or procurement exercise.

b. 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 re the Official Journal of the European Union (*policy update awaited, unlikely relevant to YTC as £189,330 - £4.8 million*) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

c. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value that is below **£500** and is budgeted for can be agreed to be spent by the relevant committee without reference to Ordinary / Full Council. Such expenditure should be reported and recorded at the next ordinary Council meeting.

d. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of **£1,000** shall be procured on the basis of obtaining 3 quotations.

e. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of **£8,000** shall be procured on the basis of a formal tender

f. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
- vi. tenders are to be reported to and considered by the appropriate meeting of the

Council or a committee or subcommittee with delegated responsibility.

g. Neither the Council, nor a committee with delegated responsibility for considering tenders or quotations, is bound to accept the lowest value tender. Reasons for a decision not to accept the lowest value tender should be recorded.

h. (*policy update awaited, unlikely relevant to YTC*) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services 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.

i. *(policy update awaited, unlikely relevant to YTC)* 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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.

j. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

18.2 Estimates/Precepts

a. The Council shall approve written estimates for the coming year at its meeting before the end of January.

b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

19. Handling Staff Matters

a. YTC should adopt a HR policy that is reviewed annually and all matters relating to staff must be dealt with in accordance with this policy.

b. Employees rights are protected by the Employment at Work Act 2002.

c. If a meeting considers any matter personal to a Council employee it is considered in line with the Employment ACT 2002.

20. Responsibilities to Provide 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

b. Yarm Town Council's response to all Freedom of Information Act 2000 requests will be sent only to the person or organisation making the request.

c. 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.

d. The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. Responsibilities Under Data Protection Legislation

a. The Council may appoint a Data Protection Officer (or contract professional assistance)

- 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.**

22. Relations with the Press/Media

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. The Clerk may give the press a factual statement of the matters discussed at any meeting of the Council.
- c. The only members entitled to make statements to the press on behalf of the Council shall be the Chair of the council or in his absence the Vice Chair.
- d. Nothing in 22.c) above, shall prevent other members of the Council speaking to the press, provided they make it clear that they are speaking personally, and not on behalf of the Council.
- e. No leaflet shall be published under the impress of the Council, without the Council's express prior approval.

23. Execution and Sealing of Legal Deeds (See also standing orders 15(b)(xi) and (xvi))

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution of the Council.
- b. **Subject to standing order 23(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. Communicating with Borough Councillors

- a. An invitation to attend a meeting of the Council shall be sent together with the agenda, to the Councillor of the Borough Council representing the area of the Council. They will be invited as a guest who like any other member of the public can participate in the meeting under standing order 3(g) & (h).
- b. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward Councillor(s) representing the area of the Council.

25. Restrictions on Councillor Activities

a. Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or 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 directions.

b. Canvassing of and recommendations by Councillors -

- i. canvassing Councillors or the members of a committee directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate;
- ii. a Councillor or the members of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or promotion; but nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment;
- iii. this standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

c. Confidential business -

- i. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature;
- ii. a Councillor in breach of the provision of standing order 25 c. (i.) above may be removed from a committee by a resolution of the Council.

26. Standing Orders Generally

a. All or part of a standing order, except those which are mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b. A motion to add to or to vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 Councillors to be given to the Proper Officer in accordance with standing order 9.

c. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible upon delivery of his acceptance of office.

d. The Chair's decision as to the application of the standing orders at a meeting shall be final.

27. Power of Well-being (England)

a. Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory requirement to qualify as an eligible parish council.

b. The Council's period of eligibility begins on the day that the resolution under standing order 27(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. After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being

which was not completed before the expiry of the Councils preceding period of eligibility referred to in standing order 27(a).]

28. Schedule - Committee Functions

a. The function of the Policy and Resource item of the Ordinary YTC meeting is:

- i. to be responsible for the appointment and conditions of employment of Council employees;
- ii. to consider and advise on Standing Orders;
- iii. to be responsible for public relations and publicity and to deal with neighbouring communities and community associations;
- iv. to carry out strategic planning functions in relation to available and anticipated resources;
- vi. to advise on administration improvements and to review Council activities to ensure that overall objectives are being met;
- vii. to receive details of income and expenditure and to consider requests for grants and donations;

b. The function of Weigh & Tolls Committee is:

- i. to deal with civic and ceremonial matters and all town based activities.

c. The function of the Allotments Committee is:

- i. to deal with all matters relating to allocation, tenancy and management of allotments (working closely with Yarm Community Allotments Association).

d. The function of the Cemeteries and Chapel Committee is:

- i. to deal with all matters relating to accepting burials and monuments for Yarm Cemetery along with management and maintenance of the cemetery grounds, Chapel and the enclosed cemetery at St Mary Magdalene, West Street.

e. The function of the Leisure and Culture Committee is:

- i. to oversee proposals for and management of a programme of leisure activities, events and projects.

f. The function of the Town Hall Heritage Centre Committee / Working Group is:

- i. to oversee the development, delivery and operation of the Yarm Town Hall Heritage Centre.

g. The function of the Finance and Governance Committee is:

- i. to support Yarm Town Council to operate strong, efficient and robust procedures and practices in relation to policy, processes and financial matters.

h. The function of the Staffing Committee is:

- i. to deal with all HR and employment matters.

29. Policies, Procedures and Financial Regulations

a. These Standing Orders should be read in conjunction with the Policies, Procedures and Financial Regulations of the Town Council.

Juliet Johnson
Clerk of Yarm Town Council