



20th April 2021

In accordance with Paragraphs 8 & 10(2) (b) of Schedule 12 of the Local Government Act 1972 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, I hereby summon you to attend a Meeting of **PETERLEE TOWN COUNCIL** to be held online on **MONDAY 26TH APRIL 2021 at 6.00pm**

Ian Morris, P.S.L.C.C
Town Clerk (Proper Officer of the Council)

Members of the Committee and members of the public are reminded that the public part of the meeting may be recorded in both audio and video, and photographs may be taken.

To Join the online meeting in Zoom please click on this link:

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Meeting ID: 898 8634 7910

Passcode: 039193

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Meeting ID: 898 8634 7910

BUSINESS TO BE TRANSACTED

1. Apologies for Absence
2. Public Participation Session
Will be held to allow Members of the public an opportunity to put questions to the Council. This item of business to last no more than 15 minutes, as per Council Standing Orders.
3. To receive declarations of interest
Members are reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Please seek advice from the Town Clerk or Deputy Town Clerk **prior to the meeting** if in doubt. Members are reminded that they can check their published declaration of interests here: <https://bit.ly/2wVyeLA>
4. To Approve the Minutes of the last meeting of the 22nd March & Special Meeting held on 1st April 2021
The minutes of the previous meeting and Special Meeting are attached for consideration and approval as a true and correct record. (attached)
5. Police Update
To welcome the new Neighbourhood Police Sergeant covering Peterlee, Horden and Blackhall, T/Sgt 2722 Charlotte Burn
6. Continuation of online/hybrid meetings by Town Council
To review the use of online meetings by the Council and to consider revising the Council's Standing Orders to specifically allow for hybrid/online meetings and live streaming of meetings to the public.
(Report of the Town Clerk and draft amended Standing Orders, attached)
7. Acceptance of apologies for Council Members in relation to the COVID pandemic
To review the Council's position of accepting apologies from Council Members who are unable to attend Council meetings due to the impact of the COVID-19 pandemic.
(Report of the Town Clerk, attached)
8. Live Streaming of Council Meetings on social media
Report of the Democratic Services Officer requesting member's consideration of live streaming the monthly Council Meeting.
(attached)

9. COVID-19 Update

To receive an update from the Chief Officer on the Council's response to the COVID-19 situation.

(verbal report of the Chief Officer)

10. Updated Policy

The following policy is for consideration, approval and adoption by Peterlee Town Council (draft copies of the policies are available on the using the links given below, or in hard copy from the Deputy Town Clerk on request). This policy is an updated and reviewed version rather than a new policy:-

Redundancy Policy (To view the policy please see <https://bit.ly/2PXVp5u>)

11. Notice of Motion

Councillor L Fenwick has submitted the following notice of motion for consideration:-

Abandoned Shopping Trolleys

"There has been a noticeable rise in the number of shopping trolleys around the town lately. I was recently alerted to the issue by two of our Dene House ward residents. They both reported separate incidences of shopping trolleys abandoned in the O'Neill drive area and along Manor Way. I request that we as a council contact the Asda Store and also the new Lidl and Home Bargains stores at the retail park and ask them to better secure their trolleys especially on an evening. The abandoned trolleys are making our town look neglected. I am aware that there are tighter security measures the stores can take as seen in other towns and I urge this council to support the motion".

12. Code of Conduct Complaint Decision Notice COM 336

To confirm the Decision Notice in respect of Code of Conduct complaint ref COM 336 in relation to Cllr C Watkins.

13. Purchase of New Tractor

Report of the Parks Manager recommending the purchase a new tractor for the Parks Department. (attached)

14. Emergency Lighting at the Pavilion Sports & Community Centre

Report of the Pavilion Centre Manager recommending the replacement of the emergency lighting system at the Pavilion Sports & Community Centre (attached)

15. Spokesperson of the North East Party's Report

16. Spokesperson of the Labour Political Party's Report

17. Exclusion of the Press & Public

To resolve that in view of the confidential nature of the items to be discussed, the committee pass the formal resolution to exclude the press and public from the meeting, pursuant to the Public Bodies (Admissions to Meetings) Act 1960 & the Local Government (Access to Information) Act, Part 1, paragraphs 11.

18. Horden Cemetery

To receive an update from the Town Clerk on the Horden Cemetery dispute.
(verbal report of the Town Clerk)

19. Code of Conduct Complaint notification

To confirm that the Council has been notified of a new Code of Conduct Complaint in respect of a Member of the Town Council and that the matter has been referred for preliminary investigations.

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE TOWN COUNCIL

HELD ONLINE USING VIDEO CONFERENCING TECHNOLOGY

ON MONDAY 22nd MARCH 2021 at 6.00PM

PRESENT:- COUN T DUFFY (CHAIR)

Mesdames:- K Hawley, M A Cartwright, S McDonnell, K Liddell, S Simpson, L Fenwick, D Howarth & K J Duffy

Messrs:- S Miles, G Johnson, C Watkins, S McGlen, A Watson, R Moore, A Wilkinson, G Carne, S Kirkup, R Kyle & T Duffy

140. Apologies for Absence

No apologies for absence were offered to the meeting.

141. Public Participation Session

Mr Keith Groves from Peterlee & Horden Rugby Club joined the meeting to provide an update on the club's ambitions to invest in the site once the new lease was completed. A copy of a draft plan of a potential future extension to the club house had previously been circulated to Members, and Mr Groves spoke of the reasons for the extension. Several Members had already taken up the open invitation to visit the site and Mr Groves asked any other Members who wished to visit to contact him directly. Mr Groves and the Clerk explained that the lease was very close to completion and that the next step in the investment proposals was for the club to seek grant funding to enable them to get detailed designs drawn up for an application for planning permission. Members expressed support for the club's proposal to seek funding to further develop the plans and noted that the matter would come back to Council for formal approval as and when the detailed proposals were complete and planning permission attained.

RESOLVED the information given be noted.

142. Police Update

The Chair welcomed the Neighbourhood Police Sergeant covering Peterlee, Horden and Blackhall, T/Sgt 2722 Charlotte Burn. T/Sgt Burn reported the Police were working alongside DCC with CCTV and a tannoy system in the bus station. She reported on action being taken to try to address the recent upsurge in youth ASB issues in Woodhouse Park and issues with off road bikes, and she stressed intelligence passed on from residents was vital in the tracing these bikes and quads to their owners' homes.

RESOLVED the Council's thanks be recorded for the Polices' attendance.

143. Citizens Advice Update

The Chair welcomed Sarah Ward, Client Services Manager, Peterlee, Durham & Seaham to the meeting to provide an update on activity by Citizens Advice County Durham in Peterlee. Ms Ward thanked the Council for allowing the service to run remotely by telephone and e mail and she was pleased to report they had not missed a session although advice had been delivered in a different form. Clients and issues had changed with 138 clients with 406 issues with £320,000 identified in benefit claims that clients were entitled to. She felt figures would rise again along with the demand for the service and she gave details of two case studies where CAB had helped and supported clients. She advised the project funded by PTC was due to end 31 March and she asked if PTC would consider funding the project, providing a case worker, once again. The Chair thanked Ms Ward for her update and said how much the council appreciated the hard work and efforts of CAB. The funding was included in the budget submitted for discussion and approval later in the meeting.

RESOLVED the information given be noted.

144. To receive declarations of interest

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. None were received.

145. The Minutes of the last meeting of the 22nd February 2021

The minutes of the previous meeting were attached for consideration and approval.

RESOLVED the minutes be accepted and signed as a true and correct record, subject to it being amended to read Councillor K J Duffy and S McDonnell gave the report on behalf of the NE Party at the meeting and not Cllr Watson who was not present at the meeting.

146. COVID-19 Update

The Clerk reflected on the calendar year on from the first 'Stay at Home' TV broadcast by the Prime Minister. He was proud that PTC was first or one of the first to hold their meetings on line and host hybrid meetings, with PTC continuing to serve the people of

Peterlee the best we could. The Shielding Support Scheme was continuing with care packages being delivered and the weekly support telephone calls being made. He referred to the Government road map and how he hoped more services would open up, there had been no further positive cases and several staff had now been vaccinated. One of the local members said “well done” to everyone and that staff had done an amazing job. Reference was made to recent posts on social media being a positive reflection on the Town Council’s response to COVID in the town.

RESOLVED the information given, be noted.

147. NEP Fund Application(s)

The Deputy Town Clerk advised that no further applications had been received and that she had received suggestions from several Members that any unallocated funds remaining should not be used and instead be returned to reserves. **RESOLVED this suggestion be agreed to.**

148. Review of Fees & Charges

Members were asked to review and approve the Council’s fees and charges for the 2021/22 financial year and the suggested rates had been circulated to each Member prior to the meeting. **RESOLVED the fees and charges as detailed in the report of the Town Clerk, be accepted and applied as from 1 April 2021.**

149. Town Events – Peterlee Show 2021

Members were asked to consider the decision deferred from the February 2021 Council meeting about whether or not to hold the Peterlee Show in the first weekend of September 2021. In considering the event Members discussed other countries moving into a lockdown and felt the ripple effect would make the risk too high. Social distancing would be difficult with the type of event it is and the suggestions such as operating at 50% capacity, asking for negative tests, vaccine passports etc which may be required would be very difficult to manage. **RESOLVED there be no Peterlee Show be held this year.**

150. Peterlee Town Council budget 2021/22

Members were asked to approve the detailed final budget for the Council for the 2021/22 financial year. This included an allocation of £20,00 towards the costs of a case worker for the CAB service as per the previous presentation from a representative from Citizens Advice County Durham. **RESOLVED the detailed final budget be accepted.**

151. Updated Policy

The new Document Retention & Disposal Policy had been submitted for consideration, approval and adoption by Peterlee Town Council. **RESOLVED the policy be approved and adopted.**

152. Code of Conduct 2021

The report of the Deputy Town Clerk/Democratic Services Manager requesting the Council to consider, review and adopt the new version of the Code of Conduct was considered. There were several points in the suggested model that were challenged and it was **RESOLVED adoption of the model code be deferred until the new administrative year, pending further advice and consistency across other councils in County Durham.**

153. Arrangements for Town Council Annual Meeting in May 2021

Members received a verbal report from the Town Clerk on proposals for a 'hybrid' (physical and online) meeting for the Annual Meeting of the Town Council following the Council elections in May 2021. The Clerk suggested a hybrid meeting be held, with the meeting being streamed live via social media. The public could access the meeting via the live stream, and any Members who were unable to attend the meeting in person could still attend via Zoom. **RESOLVED this item be considered further and arrangements be finalised at the next meeting in April 2021.**

154. Exclusion of the Press & Public

RESOLVED that in view of the confidential nature of the items to be discussed, the committee passed the formal resolution to exclude the press and public from the meeting, pursuant to the Public Bodies (Admissions to Meetings) Act 1960 & the Local Government (Access to Information) Act, Part 1, paragraphs 11.

155. Horden Cemetery Dispute

The Town Clerk provided Members with an update on the latest situation re the dispute with Horden PC over cemetery contributions and sought instructions on action to be taken. The Clerk outlined clearly what options were available to the Council and suggested what would outcomes could be. Following considerable discussion it was **RESOLVED the Council ratify the Clerk's prior action to reject the initial settlement offer**

made by Horden Parish Council and the Clerk be given continued authority to deal with the claim.

156. Shotton Hall – Business Plan

Members considered the verbal report of the Clerk and the Council's Facilities Manager on options for the future operating model for Shotton Hall. This report was proposed for discussion as an excluded item as it related to the commercial operations of the Council. Following discussion it was **RESOLVED Shotton Hall re open in line with the Government's road map with:-**

- (i) **Bookings being taken for an initial six month forward window;**
- (ii) **The Banqueting Suites be available for hire every alternate weekend to enable the Council to manage within the current staffing capacity;**
- (iii) **Customers be allowed to bring their own food, the kitchen will not be available for any use;**
- (iv) **The charges given in the report be accepted and reviewed and changed if necessary; and**
- (v) **This would be for a 6 month trial only to enable some level of revenue generation while the council continues to consider the medium-long term future of Shotton Hall.**

157. Operation Forth Bridge

The report of the Deputy Town Clerk/Democratic Services Manager outlining suggested actions should they be necessary was considered. This report was proposed for discussion as an excluded item as it related to sensitive information relating to an individual.

Councillor A Watson declared an interest in the item as he knew the individual that may be given the task to light the building, and left the meeting for the entire consideration.

Members were requested to contact the Town Clerk/Deputy Clerk outside the meeting should they have any proposals on the protocols suggested.

RESOLVED the suggested action and protocols be accepted.

158. Spokesperson of the North East Party's Report

Councillor A Watson reported he had called into the new retail park and it was very busy; he was concerned there would be major problems with this junction, especially at

Christmas and he asked the Council to consider lobbying for road traffic improvements to combat this. Whilst having a few concerns he nonetheless felt that the new retail park was excellent for the town. He reported there had been a record number of vaccinations carried out, he said it was remarkable and felt everyone should get it and hopefully this would help eliminate this virus from the world. He referred to concerns about allegations from local residents that political marketing calls had been being carried out at the houses of elderly residents who were registered with the Telephone Preference Service and stressed that such calls should be happening. **RESOLVED the information given, be noted.**

159. Spokesperson of the Labour Political Party's Report

Councillor Fenwick reported on litter picking being done by residents, she felt this was heart warming and showed renewed pride in the Town. She reported on proposals for funding for Leisure Centre, including Peterlee, she felt it was exciting to see investment for Peterlee. **RESOLVED the information given, be noted.**

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE TOWN COUNCIL

HELD ONLINE USING VIDEO CONFERENCING TECHNOLOGY

ON THURSDAY 1ST APRIL 2021 at 6.00PM

PRESENT:- COUN A WATSON (CHAIR)

Mesdames:- S McDonnell, K Liddell, S Simpson, L Fenwick & K Duffy

Messrs:- S Miles, G Johnson, C Watkins, S McGlen, R Moore,
A Wilkinson & T Duffy

160. Election of Chairman for the meeting

The meeting was moved at 6.05pm. As neither the Chairman or Vice Chairman of Council were present at the meeting at this point it was moved by Cllr Moore and seconded by Cllr Miles that Cllr A Watson act as Chairman for the meeting. It was **RESOLVED that Cllr Watson act as Chairman for the meeting.**

161. Apologies for Absence

No apologies were offered to the meeting.

162. To receive declarations of interest

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. None were offered.

Cllrs K and D Duffy joined the meeting at approximately 6.10pm

163. Exclusion of the Press & Public

RESOLVED that in view of the confidential nature of the items to be discussed, due to the confidential nature of the discussion which relates to ongoing legal proceedings, the meeting passed the formal resolution to exclude the press and public from the meeting, pursuant to the Public Bodies (Admissions to Meetings) Act 1960 & the Local Government (Access to Information) Act, Part 1, paragraph 11.

164. Horden Cemetery Dispute

The Town Clerk provided a verbal update on the ongoing dispute with Horden PC about contributions towards the costs of Horden cemetery.

Cllr M. Cartwright joined the meeting at approximately 6.30pm

Following a long debate on the matter, it was **RESOLVED** that it be placed on record that Peterlee Town Council was deeply disappointed about the actions of Horden PC to instigate legal action at significant cost to the people of both Horden and Peterlee despite numerous attempts by Peterlee to resolve the matter through discussion and formal mediation. It was **FURTHER RESOLVED** that the Town Clerk be authorised to execute the proposed settlement agreement with Horden PC to avoid further unnecessary costs to local tax payers and bring the previous arrangement for voluntary contributions to an end as per the Town Council's decision in 2017.

Report To: Peterlee Town Council

Date: 26 April 2021

Subject: **Continuation of online/hybrid meetings by Town Council**

Report of: Ian Morris, Chief Officer

Purpose: To review the Council's Standing Orders and to consider recommendations to amend the Standing Orders to specifically allow hybrid/online meetings and live streaming of meetings to the public.

Background: Members will be aware that the Town Council adopted the use of online meetings in March 2020 as a response to the COVID crisis and to enable the Council to continue to meet and make decisions while restrictions were in place and while some of the Council's Members were self-isolating.

Since March 2020 the council has successfully met in both online and 'hybrid' forms. Hybrid meetings occurred where the meeting was hosted in the Zoom online meeting software with some Members joining the meeting and participating from home, and others joining the meeting and participating from a room in Shotton Hall that was set up with a camera, microphone and a/v system that enabled the meeting to be projected onto a large screen and broadcast to the room over speakers. Using this 'hybrid' model enabled Members to have the choice of attending a meeting 'in person' or remotely from home.

In April 2020 the UK Government made provision in law for to enable online meetings, through the snappily-titled '*The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*'¹. The 'flexibility regulations' made a number of changes to the two main pieces of existing law, the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972. The flexibility regulations confirmed that councillors could be in attendance at a meeting if they could see and been seen by and hear and be heard by other members of the meeting. The regulations confirmed that the Council could choose where, how and at what time it chose to meet. And the regulations also confirmed that a Council meeting would be considered to be 'open to the public' if the public were able to access the meeting online.

¹ See: <https://www.legislation.gov.uk/uksi/2020/392/contents>

The current regulations are set to expire at midnight on 6th May 2021 and Government has not brought in new regulations or primary legislation to replace them. This leaves a grey area as to the legal status of online meetings from 7th May 2021 onwards.

Position after May: There has been considerable debate in the Local Authority sector about the status of online meetings from 7th May 2021 onwards. The Lawyers in Local Government (LLG) and Association of Democratic Services Officers (ADSO) have joined forces to petition the High Court for a decision on the lawfulness of online meetings once the current flexibility regulations expire. Their view, a view shared by myself, is that online meetings were always lawful under the existing legislation². The outcome of the court hearing is expected to be published before the meeting at which this report is considered.

The key arguments for online meetings being lawful beyond 6th May 2021 can be summarised as:

- Online meetings are not prohibited (ie they are not banned) by the current legislation as it was written in 1960 and 1972 when the internet wasn't even in existence;
- There is already existing case law from the charitable sector that has confirmed that someone can attend a meeting remotely and be considered to have been 'present' at the meeting provided that the participants at the meeting are able to both see and hear each other³
- All of the key requirements of a lawful Council meeting have already been proved to be satisfied by online/hybrid meetings and in many areas these meetings have resulted in an increase in attendance rates by both Councillors and members of the public. As such enabling Councils to meet online is both pro-democratic and more open/transparent for the public, which are the fundamental objectives that the 1960 and 1972 Acts were set out to achieve.

If the High Court does rule that online meetings are lawful under the existing legislation, i.e. that the Council may continue to lawfully meet online once the COVID flexibility regulations expire on 6th May, then the Council has some options to consider moving forward.

Options: Option 1 – resume face-to-face physical-only meetings
This would result in the Council moving back to physical meetings at Shotton Hall or the Pavilion with no use of the Zoom software.

² You can read a summary of the LLG/ADSO legal argument here <https://bit.ly/3ewYstR> and here <https://bit.ly/3uWWdXc>

³ See *Byng v London Life Assurance* [1989] 1 All ER 560

In order to attend a meeting all Councillors would need to physically attend in the designated meeting room. Until COVID restrictions are fully lifted the meetings would be held in the function suites with 2m distancing and other COVID measures in place. In order to fulfil the legal requirement for meetings to be 'open to the public' the Council would either make a socially-distanced public seating area available and/or arrange for the meeting to be video recorded and streamed to the public online, as per current Government guidelines.

Option 2 – Continue to use either fully-online or 'hybrid' models

Under this option the Council would continue to use the Zoom software to host Council meetings. In the short-medium term and until such time as vaccinations are fully rolled-out and restrictions lifted Members may wish to opt to meet online only, but we could always use the hybrid meeting (some members in a room together physically, some attending virtually) as required. Meetings will continue to be 'open to the public' either through publication of the Zoom meeting details or through the use of live streaming the meetings via social media channels.

Members will be presented with a separate report on the use of Social Media for Council meetings at this meeting.

This option will enable the Council to continue to work within the COVID guidelines of reducing travel and social interaction and at the same time making meetings more accessible by Council members and also members of the public.

Standing Orders:

Although the use of online/hybrid meetings so far has not encountered any substantial issues with the Council's Standing Orders, it is worth revisiting the Standing Orders to consider whether any of the non-statutory rules could usefully be tweaked/added to help online meetings run better in the future.

A copy of the Council's current standing orders is attached to this report for Members' consideration and I will run through a few areas of interest at the meeting with a view to taking any recommendations for alterations forward for approval at the Annual Meeting of the Council in May.

Recommendations:

In the event that the High Court does rule that, as per the LLG/ADSO claim, online meetings continue to be lawful after 6th May 2021 it my recommendation that Council continues to use online and hybrid meetings to execute Council business for the foreseeable future.

It is further recommended that the Council's Annual Meeting in May 2021 is held as an online (or possibly hybrid) meeting with members of the public only able to observe the meeting via a live social media stream.

Finally, although the Council's Annual Meeting has also traditionally been considered a 'Mayor Making' meeting to which members of the incoming and outgoing Mayor's families/friends are invited, it is recommended that for 2021 the Council delays the civic 'Mayor Making' event until a later date (probably after 21st June) when members of the public could legitimately be invited to a public event without any significant social distancing restrictions. This would of course be subject to the government's COVID rules at the time.

Appendix 2: Implications

Finance – The Council has recently paid for the renewal of the Zoom software subscription and already has the appropriate hardware in place to deliver online and hybrid meetings.

Staffing - no direct implications

Risk – The council has duty of care and legal responsibility to address the safety of Councillors, staff and members of the public when carrying out its business and activities. The recommendation to continue using online and hybrid meetings will enable the Council to reduce the risk of COVID infection by reducing the need for and/or frequency of physical meetings.

Equality and Diversity / Public Sector Equality Duty – It has been argued that online meetings streamed to the public are more accessible by a wider section of the community than physical meetings that the public can only attend in person. Physical-only meetings can be problematic for a wide range of members of the community including those with mental and physical health issues, mobility issues, lack of access to transport, caring and/or work responsibilities.

Accommodation – in the event of a return to physical meetings the venue(s) for the meetings will be risk assessed and the appropriate mitigating actions will be put in place to reduce the likelihood of COVID transmission.

Crime and Disorder - no direct implications

Human Rights - no direct implications

Consultation – no direct implications

Procurement – no direct implications

Disability Issues – see above

Legal Implications – the legal implications of this recommendation are discussed in the body of the report. The High Court decision expected w/c 19/4/21 on the lawfulness of online meetings is key to this report and Members will be provided with an update on the Court's decision at the meeting



PETERLEE TOWN COUNCIL STANDING ORDERS

Adopted April 2021

EXPLANATORY NOTE

These 'Standing Orders' set out how the Council regulates its business and proceedings. Our Standing Orders have been adopted from the National Association of Local Councils model standing orders and this latest version was adopted by Council in April 2021. The main changes from the previous 2017 version is the inclusion of specific regulations in relation to online meetings of the Council.

Ian Morris, Town Clerk

PETERLEE TOWN COUNCIL

STANDING ORDERS

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1. Rules of debate at meetings

N.B **Bold black print = mandatory standing orders**

Plain black print = discretionary standing order

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 2(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.

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

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If the person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 3(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting. **In the event of an online meeting, or a person attending the meeting online, further reasonable steps may include removing the person(s) from the online meeting by placing them in a waiting room or removing them from the meeting entirely.**

3. Meetings generally

Key:

- FC** Full Council meetings
CM Committee meetings
SCM Sub-committee meetings

Bold black print = mandatory standing order

Black print = discretionary standing order

**SCM/
CM/FC**

- a All reference to meetings in these Standing Orders includes formally convened meetings of the Council, its Committees or Sub-committees that may occur where their participants are attending such meetings physically or online, and to 'hybrid' meetings of the same which may occur in both physical and online formats.

**SCM/
CM/FC**

- b For the purposes of these Standing Orders a Councillor shall be considered to be present at a meeting if they join the meeting online and can see and be seen by, and hear and be heard by, a majority of the other members present at the meeting.

FC

- 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.

FC

- 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.

CM

- e The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.

**CM/
FC**

- 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.

(in line with the Government's 'Open and Accountable Local Government' guide' (2014), examples of confidential information include discussing the conduct of employees, negotiations of contracts or terms of tender, or the early stages of a legal dispute)

SCM/
CM/FC

- g For the purposes of these Standing Orders, a meeting shall be 'open to the public' if notice of the meeting has been properly given and the meeting is streamed or in some other way broadcast online via the Council's website, social media accounts, or other forms of web-based technology.
- h Members of the public may make representations, ask and answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- i The period of time designated for public participation at a meeting in accordance with standing order 4(h) above shall not exceed fifteen minutes unless directed by the chairman of the meeting. A public participation session is held each month prior to the start of the Council Meeting.
- j Subject to standing order 4(i) above, a member of the public shall not speak for more than 15 minutes.
- k In accordance with standing order 4(h) above, 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.
- l A person shall raise his hand when requesting to speak and may sit or stand when speaking.
- m A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- n 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.

SCM/
CM/FC

- o (i) In line with the Government's 'Open and Accountable Local Government guide' (2014) and s40 of the Local Audit and Accountability Act 2014 members of the public may film, photograph, make sound recordings or use social media to report the proceedings of any Council meeting at which they are entitled to be present.
(ii) persons **may not orally report or comment** about a meeting as it takes place if he (she) is present at the meeting.

SCM/
CM/FC

- p **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.**

FC

- q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in**

his absence be done by, to or before the Vice-Chairman of the Council (if any).

FC

- r The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

SCM/
CM/FC

- s Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.

SCM/
CM/FC

- t 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(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

- u Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- 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 present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

SCM/
CM/FC

- 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 right to participate and vote on that matter.

SCM/

- 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

CM/FC

shall the quorum of a meeting be less than three.

See standing order 5d(viii) below for the quorum of a committee or sub-committee meeting.

SCM/
CM/FC

- y **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.**

- z A meeting shall not exceed a period of 2 ½ hours (e.g. commencing at 6.30pm closing no later than 9.00pm).

4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 5(f) and (g) below, appoint and determine the terms of office of members of such a committee;
 - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - viii. shall determine if the public may participate at a meeting of a committee;

- ix. 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;
- x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xi. may dissolve a committee.

5. Ordinary council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c The annual meeting of the council shall take place at 6.30pm.**
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv. Review of the council's and/or staff subscriptions to other bodies;
 - xvi. Review of the council's complaints procedure;
 - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018;
 - xviii. Review of the council's policy for dealing with the press/media; and
 - xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by**

two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. 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 2 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) 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 that it can be understood at least 4 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

10. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;

- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);**
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

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

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 for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) 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 chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
 “The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view

was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

See also standing order 3(w) above.

- 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 a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which

the dispensation is required.

- h A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. granting the dispensation is in the interests of persons living in the council's area or**
 - iii. it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by Durham County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 12 above, report this to the council.**
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 15(d) below.**
- c The council may:**
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;**
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;**
- d Upon notification by the County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.**
- b The Proper Officer shall:**
 - i. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a**

signed summons confirming the time, place and the agenda.

See standing order 3(d) above for the meaning of clear days for a meeting of a full council and standing order 3 (e) above for a meeting of a committee.

- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

See standing order 3(d) above for the meaning of clear days for a meeting of a full council and standing order 3(e) above for a meeting of a committee.

- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least six days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
See also standing order 22 below.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. record every planning application notified to the council and the council's response to the local planning authority;
- xv. refer a planning application received by the council to the next Committee available. Should it be a time of recess then details be sent to Members for immediate comment.
- xvi. manage access to information about the council via the publication scheme.
- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xviii. To Act with delegated authority as indicated in the Council's Scheme of Delegation.

16. Responsible Financial Officer

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

17. Accounts and accounting statements

- a “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
- 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 for each quarter;
 - ii. the council’s aggregate receipts and payments 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 for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the council (income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;

- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 19(d) below.
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender, (iv) whether tenders are to be assessed on the basis of lowest price, or a balance of price and quality, and (v) 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, on the government Contracts Finder website, and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e The council shall, at its discretion, reject any tender that does not meet the requirements expressed in the tender documents, or which is submitted after the deadline date. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, shall be compelled to award a contract. The council shall always reserve the right to cancel a tender process without awarding a contract.
- f Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Cabinet Office from time to time) the council must consider whether the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 apply to the

contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.
- b Matters pertaining to staff will be dealt with under the relevant Council policies as appropriate to the matter under consideration.
- c Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the committee of absence occasioned by illness or other reason and that person shall report such absence to the Resources Committee at its next meeting.
- d The chairman of the Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Resources committee.
- e Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee, the Town Clerk, shall contact the Chairman of the Council or in his absence, the Vice Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Resources Committee.
- f Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Chairman or Vice Chairman of Council, this shall be communicated to another member of Council which shall be reported back and progressed by resolution of the Resources committee.
- g Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- h The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- i Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the post holder and/or the Town Clerk.

20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Clerk & Proper Officer to the Chairman of the Council and full Council. Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. 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.

22. Execution and sealing of legal deeds

See also standing orders 16(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

Subject to standing order 22(a) above, any two councillors may sign, (usually the Chairman and another) on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

23. Communicating with District and County or Unitary councillors

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

24. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

25. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 11 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Report to: Peterlee Town Council

Date of Meeting: 26th April 2021

Subject: Live Public Streaming of Council Meetings

Report of: Kay Tweddle, Democratic Services Manager/Deputy Town Clerk

Report Purpose: To consider the principal of using facebook live and you tube streaming for the Council Meeting each month

Background: Since March 2020 the Town Council has been holding its Council meetings as either hybrid or fully online meetings using the Zoom meeting software. This has allowed the Council to continue to meet and make decisions during the unprecedented times that we have experienced and has also enabled a higher level of attendance by Council Members than might otherwise have happened if the Council had stuck to physical meetings only.

The Town Council is likely to continue to use the Zoom software as COVID restrictions lift, and this is being considered by Council through a separate report.

UK legislation requires that Town Council meetings are ‘open to the public’¹ and the previous arrangements with the publication of Zoom meeting details with the Council agenda has been sufficient to meet this statutory requirement.

The latest government guidance also encourages Councils to continue to enable meetings to be ‘open to the public’ using online technology even when physical meetings start to return, in order to reduce the need for members of the public to travel to and be part of physical meetings.

But continuing to enable direct public access to Zoom meetings is not an ideal arrangement, for a number of reasons including:

- The Town Council’s Zoom account is limited to 100 participants per meeting and so in theory if more people wanted to join the meeting they wouldn’t be able to;

¹ Specifically, s1 of the Public Bodies (Admissions to Meetings) Act 1960
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/67/section/1>

- If members of the public join a zoom meeting they have the capability to talk to the meeting directly, and this facility has been abused in some areas of the country with meetings being ‘hijacked’ or pranked by public attendees;
- Having multiple stakeholders – public, Councillors, staff, others, in a single Zoom session can lead to a confusing meeting that is hard to manage, as seen in the recent well-publicised Handforth Parish Council debacle; and
- Logging in to a zoom meeting is not as freely ‘open’ as general social media is, and some members of the public may not feel comfortable with formally registering/logging-in using zoom.

Use of Social Media The Zoom software has the capability to stream Council meetings live into the Town Council’s facebook and youtube social media channels. This has been trialed by the Town Clerk, and basically results in a ‘Peterlee Town Council is now live’ notification to anyone who follows the Council on facebook, and a live stream video feed in YouTube.

This means that any member of the public with access to the internet could watch the Council meeting ‘live’ from their phone, tablet, laptop or PC without having to log in to the actual Zoom meeting. It should also be possible to display the Youtube video live on the Council website, although this has not yet been tested.

Considerations There are a number of issues that the Council might wish to consider when deciding whether to go ahead with live streaming of Council meetings.

In terms of accessibility, it is estimated that 96% of households have at least one member of the household with access to the internet², whereas approximately 30% of local households may not have access to their own car³. This would suggest that live-streaming Council meetings offers the potential for many more local residents to access Council meetings compared to a return to physical meetings where the only way to access the meeting is to come to Shotton Hall to watch it in person.

In addition, although public attendance at Council meetings has been relatively low historically, the physical limitations of the Council Chamber or function suites at Shotton Hall are such that public attendance in person would always be restricted by physical room capacity. The Council Chamber, for instance, can only comfortably hold 3-4 additional people, whereas the functions suites can hold

² Source: ONS Great Britain internet access statistics August 2020 <https://bit.ly/32auEx8>

³ Source: East Durham AAP area profile 2017 <https://bit.ly/3sqFdXv>

substantially more but the room acoustics are not brilliant and some participants may struggle to hear what was being said at the meeting.

From a behavioural perspective, Members and Officers would need to be aware of their conduct before, during and after a meeting that was live streaming online. Whereas it is perfectly understandable human behaviour for current meetings to be relatively informal and often humorous, particularly before or after the 'formal' meeting, in the event of live-streaming being agreed by Council it is recommended that the live streaming only begin at the point where the meeting has been formally opened (moved) and would end when it is closed by the chair. The pre and post meeting discussions would not be live streamed.

Previous experience of 'hybrid' meetings (where some participants are in a council room, and others are at home) has been that there can be challenges with getting all Members in the Council room heard by the Zoom participants. The current USB microphone used by the Council will work fine if speakers speak in turn and direct their voices towards the microphone, however it struggles with multiple speakers and/or mumbled speech. As such there may be some need to review the conduct of any physical meetings if/when they do resume.

Members who attended a meeting from home via Zoom would be reminded that the meeting was being live-streamed and asked to behave in accordance with Standing Orders and the Council's other policies and procedures. This would include not smoking or vaping while participating in the meeting, and members may also wish to consider where they sit, what they have in their backgrounds, and/or what they wear for the meeting.

The public do not have a statutory right to participate in Council meetings, however our Standing Orders permit the opportunity to participate in the public open session at the start of Council meetings. It is envisaged that any Members of the public who contacted the Council in advance of a meeting asking to raise an issue or question would be given the Zoom login details for the meeting to enable them to join the meeting in that way. Once their item has been dealt with they could withdraw from the Zoom meeting and continue to watch the meeting online just as other Members of the public could.

In time this may be developed into a public session at the end of the meeting such as "voters' questions" or similar, where the Clerk could read out any relevant messages, comments or questions received online/via social media during the meeting. This could be reviewed on an ongoing basis once the live streaming has had time to bed in a little.

Recommendation I wish to recommend to Council we trial the use of live streaming via social media channels in an effort to increase interest and engagement with the Town Council and that we do this from May 17th at the Annual Meeting.

Appendix 1: Implications

Finance – no direct implications

Staffing – no direct implications

Risk – no direct implications.

Equality and Diversity, Cohesion and Integration – no direct implications

Crime and Disorder – no direct implications

Consultation & Communication – the proposed use of social media to live-stream

Procurement – none

Legal – The sector is awaiting confirmation from the High Court as to the legal status of online Council meetings once the current flexibilities regulations expire on 6th May 2021. A verbal update on the legal situation will be provided at the meeting.

Flexibilities regulations: <https://www.legislation.gov.uk/uksi/2020/392/contents>

Admission to Meetings etc Act 1960 <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/67/section/1>

Local Government Act 1972

<https://www.legislation.gov.uk/ukpga/1972/70/contents>

Report to Peterlee Town Council**Date:** April 26th, 2021**Report of:** Parks Manager**Report Title:** Purchase of New Tractor

Purpose: This report is seeking approval for the purchase of a new tractor for the Town Council subject to receipt of grant approval.

Background: As members will be aware, the Town Council's Parks department maintains all ground maintenance aspects for PTC, which include general use open spaces, sports pitches, parks, highways, cemetery and street cleansing. The Tractor is one of the most important pieces of equipment to ensure that this work is carried out to a high standard and completed on time. If there was no tractor a lot of the work completed by the parks team would be unachievable. The tractor needs to be able to tow large pieces of equipment including grass cutting gangs and the 4-tonne trailer owned by PTC, and operates a front-loading bucket. The current tractor, a John Deere 5075, is now over 7 years old and since October 2019 has had almost £5,500 worth of repairs and has an outstanding hydraulic leak that needs fixing with the estimated cost been well over £1,000. As each year passes the maintenance costs of this essential item is increasing and more repairs are needed. This is also resulting in a lot of down time, as when the tractor is off the road and as the Council only has one main tractor there is no replacement and so many duties can't be performed and/or have to be delayed.

The Parks Manager has sought three written quotes for a new tractor from local suppliers as follows:

Marque/model	Cost	Trade in offered for our existing tractor	Balance to pay
CASE Farmall 105 (105HP)	£49,970.00	£20,000.00	£29,970.00
New Holland T5.105 (105HP)	£53,995.00	£12,500.00	£41,495.00
John Deere 5075 (75HP)	£55,380.94	£14,000.00	£41,380.94

The Parks Manager consulted with his team leader and operatives and they were offered a demo or site visit of the new proposed tractors. The team leader and operatives were more than happy with the standard of the CASE tractor and their feedback was that this would be an excellent replacement new tractor, that would provide everything needed to complete works throughout PTC areas of services.

(n.b all Three quotes have come from accredited machine specialists and are exclusive of VAT, which the Town Council can reclaim in any case)

Budget: The Parks Department has applied and received initial confirmation of funding from the Cllr Hawley's Neighbourhoods Budget via East Durham AAP to a sum of £23,394.55, which would leave £6,575.45 to come from the 2021/22 year budget. There is a current budget allocation of £7,000 for this project in the current year's budget and so this purchase would come in below the budget figure.

The grant funding award letter has not yet been received and any purchase of the vehicle would be contingent on receipt of the formal grant award letter.

Recommendation Members are recommended to approve the purchase of a new CASE Farmall 105 tractor for the Parks department from Paxton's County Durham, provided that grant funding is awarded by East Durham APP as outlined in this report.

Appendix 1: Implications

Finance – The report sets out the cost of the new tractor. Budget provision has already been agreed by Council and the purchase of the tractor comes in under the net budget position.

Staffing - No direct implications.

Risk – If the Council does not replace the existing tractor there is a real risk that the current vehicle will continue to incur maintenance and repair charges as well as the operational risk of not having our only tractor 'on the road' and available for use.

Equality and Diversity / Public Sector Equality Duty No direct implications.

Accommodation - No direct implications.

Crime and Disorder - No direct implications.

Human Rights - No direct implications.

Consultation - No direct implications.

Procurement – The procurement process outlined in this report is in line with the Council's Financial Regulations

Disability Issues - No direct implications.

Legal Implications - No direct implications.

Data Protection - No direct implications.

Report To: Peterlee Town Council

Date: 26 April 2021

Subject: **Emergency lighting replacement at The Pavilion Sports & Community Centre**

Report of: Andrew Frankcom, Pavilion Manager

Purpose: To seek approval to replace emergency lighting in the Pavilion.

Background: Following previous electrical works and emergency lighting tests at the Pavilion Sports & Community Centre it has been confirmed that a considerable number of emergency lighting units (a combination of light fittings and back up batteries) require replacing. Subsequently we commissioned a survey from a specialist electrical contractor (**Company A**) in January 2021.

In line with the Council's financial regulations, officers sought 2 further written quotations to replace Individual emergency lights identified as not working. These surveys were at additional cost see below.

We have now received 3 suggested solutions and written quotes in the table below. Should company A and B find further units to be inoperable whilst carrying out repairs this cost will need to be bourn by Peterlee Town Council.

Quotations Written quotations from 3 companies are as follows:

Company A To repair and replace emergency lighting as identified in previous report.	£5,874.00 inc VAT
Company B To repair and replace emergency lighting as identified in report supplied (at cost of £300) which will be deducted if quotation accepted.	£4,906.63 inc VAT
Company C To replace full set of emergency lighting within the Pavilion	£25,314.00 ex VAT

The proposal by Company B is the lowest price. All three contractors have indicated that the equipment and parts are available as stock and anticipate only a short lead-in time for completion of the works.

On this basis Council is recommended to approve the award of contract for replacement of identified emergency lighting at the Pavilion to Company B, Harry Burnicle Electrical & Mechanical Contractors of Sunderland, at a cost of £4,906.63 inc VAT.

Members are reminded that the Council had set aside a budget of £10,000 for the emergency lighting works in 2020/21 however due to COVID delaying site visits from prospective contractors this project has drifted into 2021/22 financial year.

Recommendations: Members are recommended to accept the quotation from Company B at a cost of £4,906.63 inc VAT for the replacement of emergency lighting as outlined in the report.

Appendix 2: Implications

Finance – A budget allocation of £10,000 was made in the 2020/21 financial year however due to delays in getting 3 written quotations (due to COVID) this project has rolled over into the 2021/22 financial year. As such there is no budget current provision and as such the funding will be drawn from the Council's reserves.

Staffing - no direct implications

Risk – The council has duty of care and legal responsibility to have fully functioning emergency light when operating the building.

Equality and Diversity / Public Sector Equality Duty - no direct implications

Accommodation - no direct implications

Crime and Disorder - no direct implications

Human Rights - no direct implications

Consultation – no direct implications

Procurement – The procurement for this proposal has been conducted in line with the Council's Financial Regulations

Disability Issues - no direct implications

Legal Implications – no direct implications