



STANDING ORDERS

Stotfold Town Council

Adopted 6th February 2019

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This document has been produced using the NALC model standing orders 2018. Standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. Any amendments must not have the effect of undermining, overriding or conflicting with statutory requirements. Standing orders not highlighted in bold type do not incorporate statutory requirements.

1. RULES OF DEBATE

- 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- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 (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 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 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 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 (not exceeding 3 minutes) 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. Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;

- iii. to leave out words and add other words.
- p. 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. to exercise a right of reply.
- q. During the debate on the 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.
- r. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- s. With the consent of the seconder and the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- t. 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.
- u. 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.
- v. Excluding motions moved under standing order 1(q), 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 chairman of the meeting. Members shall address the Chairman.

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 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 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 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.

3. MEETINGS GENERALLY

Full Council meetings (cncl)

Committee meetings (cmte)

Sub-committee meetings (s-cmte)

(cncl)

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

(cncl)

- b. **The minimum three clear days notice of a meeting does not include the day on which the 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.**

(cmte)

- c. **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**

(cncl & cmte)

- d. **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 the meeting shall be by a resolution which shall give reasons for the public's exclusion: 'Resolved that the press and public are temporarily excluded whilst matters pertaining to staff/commercial issues are discussed and that they are instructed to withdraw from the meeting'.**
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Councillors may question that evidence, but no debate is permitted.
- f. Public participation will be allowed at the beginning of individual agenda items on the basis set out in standing order 3(e) after advising the Clerk prior to the meeting, of their

intention to speak. In accordance with standing orders 3(h) and 3(i), speakers will be permitted to speak for no more than three minutes, with no more than 3 public speakers on each agenda item. No further comments may be made by the public during discussion and voting.

- g. The period of time designated for public participation at a meeting in order with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- h. Subject to standing order 3(g), a member of the public may speak only once, and shall not speak for more than 3 minutes.
- i. No more than three speakers will be allowed to speak on any one subject and groups of speakers for or against an issue will be encouraged to appoint a spokesperson.
- j. In accordance with standing order 3(e), a question shall not require a response at the meeting or start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- k. Notice of questions/statements need not be submitted in writing, but questions of which notice has been given are likely to receive a more detailed reply. Speakers will, however be required to arrive ten minutes before the start of the meeting and to indicate their wish to speak to the Clerk. The order of speaking shall be in the order in which requests to speak are received.
- l. Questions/comments should relate to matters over which the Council has powers or duties or which affect the town and should be relevant to the responsibilities of the Council/committee at which asked.
- m. A record of a public participation session at a meeting shall be included in the minutes of that meeting, and shall briefly outline content of their participation.
- n. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- o. 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.

(cncl & cmte)

- p. **Subject to standing order 3(q), 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.**

(cncl & cmte)

- q. **A person present at a meeting may not provide an oral report or commentary about a meeting as it takes place without permission.**

(cncl & cmte)

- r. **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.**

(cncl)

- s. **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 there is one).**

(cncl)

- t. **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.**

(cncl, cmte & s-cmte)

- u. **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.**

(cncl, cmte & s-cmte)

- v. **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 6(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

(cncl)

- w. **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.

- x. A member shall stand when speaking at full Council meetings unless permitted by the Chairman to sit on account of infirmity.

- i. if two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats
- ii. whenever the Chairman rises during a debate all other members shall be seated and silenced

Members are not required to stand at committee, sub-committee or advisory committee meetings.

- y. The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of a meeting;
- ii. the names of councillors who are present 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.
- z. Information and updates may be given on previous minutes by way of an agenda item 'matters arising for information purposes only'. No decision may be taken on these updates. Similarly, information on general matters relating to the committee or Council may be given under 'items for information purposes only'. No decision may be taken on these items.

(cncl, cmte & s-cmte)

- aa. **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 participation and vote on that matter.**
- bb. **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 meeting be less than three.**

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

- cc. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any outstanding business on the agenda shall be adjourned to another meeting.
- dd. Meetings shall not exceed a period of 2 hours, unless agreed by resolution and a finish time determined. Any business not completed after this time shall be deferred to another meeting.
- ee. All mobile phones and other similar devices must be switched to silent or turned off.

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, detailing delegated responsibilities;

- 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 the 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 4(b) and (c), 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, in both cases, shall be one half of its members, with the exception of the planning committee where four members shall constitute a quorum;
 - 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 or sub-committee
- e. The chairman and vice-chairman of Council ex-officio shall be members of every committee.
 - f. The chairman and vice-chairman of the committee shall be members of every sub-committee appointed by it, unless they signify that they do not wish to serve.
 - g. A non-member of a committee may attend any meeting of a committee or sub-committee and at the discretion of the chairman may speak but not vote.

5. **ADVISORY COMMITTEES**

- a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors, whose names shall be recorded.
- b. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- c. The Proper Officer shall inform the members of each advisory committee of the terms of reference of the committee, and of the Council's standing orders, which they are required to follow.
- d. An advisory committee shall make recommendations and give notice thereof to the Council.

6. **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 annual meeting of the Council 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.**
The Stotfold Town Council annual meeting will commence at 7.00pm.
- 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 decides.**
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f. **The Chairman of the Council, unless he has resigned or becomes qualified, 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 there is one, 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 annual 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 shall 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 annual 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 shall 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 there is one) of the Council at the annual meeting, the business 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;
 - ix. review and adoption of appropriate standing orders and financial regulations;
 - x. review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;

- 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 other assets including buildings and office equipment;
- xiv. confirmation of arrangements for insurance cover in respect of all insurable 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 policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 14, 24 and 25);
- xviii. review of the Council's policy for dealing with the press/media;
- xix. review of the Council's employment policies and procedures;
- xx. review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence;
- xxi. determining the time and place of ordinary meetings of the Council and committees up to and including the next annual meeting of the Council.

7. EXTRAORDINARY MEETINGS OF THE COUNCIL, 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 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 shall 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 sub-committee) at any time.

8. ANNUAL TOWN MEETING

- a. Proceedings shall not begin before 6pm.
- b. The Chairman of the Council shall preside.
- c. If the Chairman is absent, the Vice-Chairman shall preside.
- d. If the Chairman and Vice-Chairman are absent, the meeting shall appoint a chairman before it proceeds to any other business.
- e. The Clerk shall record the proceedings of Town Meetings.
- f. If the Clerk is absent, the person presiding at the meeting may record the proceedings or may appoint another to do so.

- g. As soon as the chair has been filled and provision made for recording the proceedings the minutes of the previous meeting shall be read, considered and if correct signed by the person presiding at the meeting.
- h. To receive a crime report from a representative of Bedfordshire Constabulary for the period since the last Town Meeting.
- i. To receive the accounts of the parochial charities together with comments of the Trustees.
- j. To receive a statement of the Council's accounts for the year ended the previous 31st March, and to receive the Council's observations on its finances for the current year.
- k. To receive the chairman's report on the Council's activities over the previous year.
- l. To receive an address from invited speakers.
- m. To receive an address from a District, County or Unitary Authority ward member on matters pertaining to Stotfold.
- n. To consider motions from members of the public.

9. 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 5 councillors to be given to the Proper Officer in accordance with standing order 11, or by a motion moved in pursuance of the recommendation of a committee or sub-committee.
- b. When a motion moved pursuant to standing order 9(a) has been disposed of, no similar motion may be moved for a further six months.

10. 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 have received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- b. All co-options in connection with casual vacancies shall take place by secret ballot.

11. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a. A motion shall relate to the responsibilities 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. 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 11(b), 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 11(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 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. The decision of the Proper Officer as to whether or not to include the motion on 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.
- i. If the subject matter of a motion comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

12. 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 meetings of a meeting;
 - ii. to defer consideration of a vote;
 - iii. to refer a motion to a particular committee or sub-committee, or delegation to an employee;
 - iv. to appoint a person to preside at a meeting;
 - v. to approve the absences of councillors;
 - vi. to change the order of business on an agenda;
 - vii. to proceed to the next order of business on the agenda;
 - viii. to appoint a committee or sub-committee and their members;
 - ix. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
 - x. to note the minutes of a meeting of a committee or sub-committee;
 - xi. to consider a report made by a committee or a sub-committee

- xii. to consider a report made by an employee, professional advisor, expert or consultant;
 - xiii. to extend the time limits for speaking;
 - xiv. to silence or exclude from the meeting a councillor or a member of the public for disorderly conduct;
 - xv. to not hear further from a councillor or a member of the public;
 - xvi. to exclude the press or public for all or part of a meeting;
 - xvii. to temporarily suspend the meeting;
 - xviii. to authorise payment of monies up to £2,500 where the expenditure was considered urgent and executive action was taken by the Clerk;
 - xix. to authorise legal deeds to be signed by two councillors and witnessed by the Proper Officer;
 - xx. to give the consent of the Council if such consent is required by standing orders;
 - xxi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xxii. to adjourn the meeting; or
 - xxiii. to close the meeting.
- b. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expediency.

13. QUESTIONS

- a. A councillor may seek an answer to a question concerning any business of the Council provided 4 clear days notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.
- d. A person to whom a question has been put may decline to answer.

14. MANAGEMENT OF INFORMATION

See also standing order 24.

- 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.**

15. **DRAFT MINUTES**

Full Council meetings (cncl)
Committee meetings (cmte)
Sub-committee meetings (s-cmte)

- 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 12(a)(i).
- 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.

Cncl, cmte, s-cmte

- d. **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- e. Subject to the publication of draft minutes in accordance with standing order 15(d) and standing order 24(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.

16. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(y).

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. All councillors shall undertake training in the code of conduct and appropriate councillor induction training on their role within 6 months of the delivery of their acceptance of office;
- 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 a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

- d. 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 and 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.
- e. **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.
- f. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- g. 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.
- h. Subject to standing orders 16(e) and (g), a dispensation request shall be considered by the Proper Officer before the meeting, or if this is not possible, at the start of the meeting for which the dispensation is required.
- i. **A dispensation may be granted in accordance with standing order 16(f) 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.**

17. **CODE OF CONDUCT COMPLAINTS**

- a. 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 14, report this to the Council.
- b. Where the notification in standing order 17(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 17(e).

- c. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d. 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;
- e. **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 consider shall what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

18. 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 or a sub-committee,**
 - **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 order 3(b) for the meaning of clear days for a meeting of a full Council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 11, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;

- 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 of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed; *(see also standing order 27)*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. should an application require consideration and a response to the local planning authority before the next ordinary meeting of the planning committee, refer a planning application received by the Council to the chairman of the planning committee (or vice-chairman of the planning committee in his absence) for consideration and executive action to be taken in conjunction with the Clerk to return comments, or if felt necessary due to the size and nature of such an application, to schedule an additional meeting of the planning committee;
- xvi. manage access to information about the Council via the publication scheme;
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect;
- xviii. action or undertake activity or responsibilities instructed by resolution or contained in standing orders;
- xix. in the event of urgent action being required between regular meetings, the Clerk or Proper Officer to take decisions and that wherever possible these decisions to be taken in consultation with the Chairman of the Council and/or the chairman of the relevant committee, provided that all matters dealt with or decided, and all action taken under this order shall be reported to the next ordinary meeting of the Council, committee or sub-committee concerned. Urgent action to be defined as:
 - a) action that will not admit of delay;
 - b) on health and safety grounds, where not to take action would put the staff or members of the public at risk and leave the Council open to prosecution for negligence;
 - c) to protect the property owned by the Council. To authorise immediate repairs in order to secure Council property, or where to delay a repair would cause greater damage and therefore greater expense to occur;
 - d) to take action to stop or prevent the Council from acting illegally, or taking such action as to prevent bringing the Council into disrepute.

19. 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.

20. 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".

- 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 30th June, 30th September and 31st 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 31st 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 1 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 (receipts and payments, or income and expenditure) for the year to 31st 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 30th June.

21. **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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- d. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 21(g) 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.**
- e. 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 sub-committee with delegated responsibility.
- f. Neither the Council, nor a committee or sub-committee with delegated responsibility is bound to accept the lowest value tender, quote or estimate.
- g. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall be comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contract Finders website and in OJEU.**
- h. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two**

years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

22. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a. Canvassing councillors or members of a committee or sub-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.
- b. A councillor or member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but nevertheless, any such person may give written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. If a candidate for any appointment under the Council is to his knowledge related to any member of, or the holder of, any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed, standing orders 22(b) and 16 (re interests) shall apply. The Proper Officer shall make known the purport of this standing order to every candidate.
- d. Standing orders 22(a), 22(b) and 22(c) above shall apply to tenders as if the person making the tender were a candidate for an appointment.

23. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council or committee with staff – Establishment, Buildings Management, Recreation Grounds, Public Lands and Lighting is subject to standing order 14.
- b. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- c. In accordance with standing order 14(a), persons with line management responsibilities shall have access to staff records referred to in standing order 23(b).

24. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 25.

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

- b. If gross annual income or expenditure (whichever is the higher) exceeds £200,000, **the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

25. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

See also standing order 14.

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

26. **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. In accordance with the Council's policy in respect to dealing with the press or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

27. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 18(b)(xii) and (xvii).

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to standing order 27(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

28. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNIARY COUNCILLORS**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to ward councillor(s) of the District, County or Unitary Council representing the area of the Council.

- b. Ward members for Stotfold shall be requested to report to the Council on any matters discussed at the District, County or Unitary Council that are relevant to Stotfold. They should be prepared to answer any questions of fact concerning such business put to them by councillors at the end of their report, although such answers may be deferred to the next meeting if such information is not immediately available. These questions will be minuted.
- c. Guidelines to be followed:
 - i. the ward members may wish to collaborate over who reports and on what with a view to eradicating duplication and unnecessary attendance.
 - ii. reports should be brief, informative and objective. Unless there are a large number of items where a significant amount of detail on an important issue is to be reported, reports should be no longer than 10 minutes, and in normal circumstances, less.
 - iii. matters only of relevance to Stotfold should be included in the report which may encompass peripheral matters, general District, County or Unitary authority matters. Party political comments will not be allowed.
 - iv. questions of fact should be answered immediately where possible. Where this is not possible, as in the need to gather information, the answer should be made at the next Council meeting.
 - v. town councillors should only ask questions of fact concerning District, County or Unitary authority business. Party political comments will not be allowed.
 - vi. the chairman of the meeting is expected to intervene where items ii., iii., and v. are contravened.

29. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised 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.

30. REPRESENTATIVES ON OUTSIDE BODIES

- a. All town Council representatives on outside bodies shall report back to the Council subsequent to a meeting of such body. The Proper Officer to be informed by the representative not later than the Friday prior to a meeting of such a report so that it can be included on the agenda for the Council meeting.

31. STANDING ORDERS GENERALLY

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add or to vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory or legal requirements, shall be proposed and seconded and a recommendation made by the Establishment Committee on amendments and shall be put to the next Council meeting.

- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- e. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.