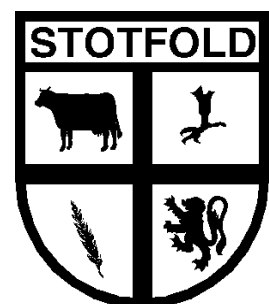


# Standing Orders

Stotfold Town Council

Adopted 4th November 2014



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This document has been produced using the NALC model standing orders 2014. 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. Meetings

Mandatory for full Council meetings	(Cncl)
Mandatory for Committee meetings	(Cmte)
Mandatory for meetings of Sub/Advisory Committee/Working Parties	(S-Cmte)

(Cncl)

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

(Cncl & Cmte)

- 1.2 **When calculating the 3 clear days notice of a meeting to councillors and the public, the day on which notice was issued, the day of a meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

(Cncl & Cmte)

- 1.3 **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:** 'Resolved that the press and public are temporarily excluded whilst matters pertaining to financial/staff issues are discussed and that they are instructed to withdraw from the meeting'.

- 1.4 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

- 1.5 Subject to Standing Order 1.3 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included on the agenda, councillors may question that evidence, but no debate is permitted.

- 1.6 The periods designated for public participation in accordance with Standing Order 1.5 above shall not exceed 15 minutes.

- 1.7 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.

- 1.8 Subject to Standing Order 1.6 above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.

- 1.9 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.

- 1.10 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.

- 1.11 In accordance with Standing Order 1.6 above, a question asked by a member of the public during a public participation session at a meeting, or at the beginning of an agenda item (see Standing Order 1.14 below), shall not require a response or debate.

- 1.12 In accordance with Standing Order 1.12 above, the Chairman may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- 1.13 Public participation will be allowed at the beginning of individual agenda items on the basis set out in Standing Order 1.5, only after advising the Clerk prior to the meeting, of their intention to speak. In accordance with Standing Orders 1.8 and 1.9 speakers will be permitted to speak for no more than 3 minutes, with no more than 3 public speakers on each agenda item.
- 1.14 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.
- 1.15 Any person speaking at a meeting shall address his comments to the Chairman.
- 1.16 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

(Cncl & Cmte)

- 1.17 **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of Stotfold Town Council or its Committees but otherwise may:**
- a) **film, photograph or make an audio recording of a meeting;**
  - b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
  - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

(Cncl & Cmte)

- 1.18 **In accordance with Standing Order 1.3 above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

(Cncl)

- 1.19 **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**

(Cncl)

- 1.20 **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.**

(Cncl, Cmte & S-Cmte)

- 1.21 **Subject to Standing Order 1.30 below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.**

(Cncl, Cmte & S-Cmte)

- 1.22 **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

(Cncl)

- 1.23 **Unless Standing Orders provide otherwise, voting on any question at a Council or Committee meeting shall be by a show of hands, or if at least 2 members so request, by signed ballot. 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.

1.24 **The minutes of a meeting shall record the names of councillors present** and absent.

1.25 All meetings are to be minuted with a note of apologies, even when a quorum is not present.

(Cncl, Cmte & S-Cmte)

1.26 **The code of conduct adopted by the Council shall apply to councillors** and non-councillor members of committees/sub-committees **in respect of the entire meeting.**

(Cncl, Cmte & S-Cmte)

1.27 **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes.** (*see also Standing Order 18 below*)

(Cncl)

1.28 **No business may be transacted at a meeting unless one third of the whole number of members of the Council are present (five) and in no case shall the quorum of a meeting be less than three.**

1.29 Except where ordered by the Council in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members with the exception of the planning committee and four members shall constitute a quorum.

(Cncl, Cmte & S-Cmte)

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

1.31 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 until the next meeting.

## **2. Ordinary Council meetings**

*See also Standing Order 1 above*

2.1 **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.**

2.2 **In a year which is not an election year, the Annual Meeting of a Council shall be held on such a day in May as the Council may direct.**

2.3 **If no other time is fixed, the Annual Meeting of the Council shall take place at 6.45pm.** The Stotfold Town Council Annual Meeting will commence at 7.00pm.

2.4 **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.**

2.5 **The election of the Chairman (Mayor) and Vice-Chairman (Deputy Mayor) of the Council shall be the first business completed at the annual meeting of the Council.**

2.6 **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.**

- 2.7 **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.**
- 2.8 **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.**
- 2.9 **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.**
- 2.10 Following the election of the Chairman of the Council and the Vice-Chairman of the Council at the Annual Meeting of the Council, the order of business shall be as follows:
- i. To receive the Chairman and Vice-Chairman's declaration of acceptance of office, if not then received, to decide when it shall be received.
  - ii. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations. In an election year councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer, before the Annual Meeting of the Council commences.
  - iii. To receive apologies for absence.
  - iv. Adoption of appropriate Standing Orders and Financial Regulations.
  - v. Constitution of committees, and adopt the terms of reference for committees.
  - vi. Formation of committee membership.
  - vii. Nominate representatives on outside bodies and confirm arrangements for reporting back to Council.
  - viii. To appoint an Internal Auditor.
  - ix. Review and confirm Council's and/or employees' membership of other bodies.
  - x. To note that the deeds or trust instruments in the custody of the Council are available for inspection by prior arrangement with the Proper Officer.
  - xi. Set the dates, times and place of ordinary meetings of the full Council and its committees for the year ahead.

### **3. Extraordinary meetings**

*See also Standing Order 1 above*

- 3.1 **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 3.2 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- 3.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

## **4. Committees**

*See also Standing Order 1 above*

- 6.1 The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- i. shall determine their terms of reference, detailing delegated authority;
  - ii. shall not appoint any member of a committee or sub-committee so as to hold office later than the next Annual Meeting;
  - iii. may subject to the provision of Standing Order 6.1(ii) above at any time dissolve or alter the membership of a committee.
- 6.2 The terms of reference for each committee, detailing delegated authority given, shall be circulated to all members of the Council, and non-Council members, and shall form part of these Standing Orders.
- 6.3 The Chairman and Vice-Chairman ex-officio shall be members of every Committee.
- 6.4 Every committee at shall at its first meeting before proceeding to any other business, elect a Chairman and Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
- 6.5 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 6.6 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 6.7 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.
- 6.8 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. Sub-committees**

*See also Standing Order 1 above*

- 7.1 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by a resolution of the committee.

## **6. Advisory committees**

*See also Standing Order 1 above*

- 4.1 The Council may appoint advisory committees comprised of a number of councillors and non-councillors, whose names shall be recorded.
- 4.2 Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- 4.3 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.
- 4.4 An advisory committee shall make recommendations and give notice thereof to the Council.

## **7. Annual Town Meeting**

- 5.1
- (1) Proceedings shall not begin before 6pm.
  - (2) The Chairman of the Council shall preside.
  - (3) If the Chairman is absent, the Vice-Chairman shall preside.
  - (4) If the Chairman and Vice-Chairman are absent the meeting shall appoint a Chairman before it proceeds to any other business.
  - (5) The Clerk shall record the proceedings of Town Meetings.
  - (6) If the Clerk is absent, the person presiding at the meeting may record the proceedings or may appoint another to do so.
  - (7) 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.
  - (8) To receive a crime report from a representative of Bedfordshire Constabulary for the period since the last Town Meeting.
  - (9) To receive the accounts of the parochial charities together with comments of the Trustees and the Town Council thereon.
  - (10) To receive a statement of the Town Council's accounts for the year ended the previous 31<sup>st</sup> March.
  - (11) To receive the Council's observations on its finances for the current year.
  - (12) To receive the Chairman's Report on the Council's activities over the previous year.
  - (13) To receive an address from invited speakers.
  - (14) To receive an address from a Central Bedfordshire Councillor on matters pertaining to Stotfold.
  - (15) To consider motions from members of the public.

## **8. Minutes**

- 8.1 If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- 8.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 11.1(iv) below.
- 8.3 Minutes, including any amendment to correct their accuracy, 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.

## **9. Rules of debate**

- 9.1 No discussion shall take place upon the minutes of previous meetings except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- 9.2 Information and updates may be given on previous minutes by way of an agenda item 'matters arising'. 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 decisions may be taken on these items.



- 9.3 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion for reasons of expedience.
- 9.4 Subject to Standing Orders 10.1 to 10.4 below, a motion shall not be considered unless it has been proposed and seconded.
- 9.5 Subject to Standing Order 17.2(iii) below, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- 9.6 A member when proposing a motion may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- 9.7 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- 9.8 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 9.9 A councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- 9.10 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.
- 9.11 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 9.12 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- 9.13 Subject to Standing Order 9.11 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 9.14 Pursuant to Standing Order 9.11 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- 9.15 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 9.16 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 9.17 The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding 3 minutes.
- 9.18 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- 9.19 Subject to Standing Orders 9.16 and 9.17 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- 9.20 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 irregularity in the meeting he is concerned by.
- 9.21 A point of order shall be decided by the Chairman and his decision shall be final.
- 9.22 With the consent of the seconder and/or of 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.
- 9.23 Subject to Standing Order 9.18 above, when a councillor's 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 silent or for him 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;
  - ix. to suspend any Standing Order, except those which are mandatory.
- 9.24 In respect of Standing Order 9.22(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- 9.25 A member shall stand when speaking at full Council meetings unless permitted by the Chairman to sit on account of infirmity.
- a) if two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
  - b) 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.
- 9.26 Members shall address the Chairman.

## **10. Motions requiring written notice**

- 10.1 Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the agenda by the Proper Officer, or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer not later than 7 days prior to the meeting of the Council, committee or sub-committee.
- 10.2 If the Proper Officer considers the wording of a motion received in accordance with Standing Order 10.1 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 in clear and certain language at least 4 clear days before the meeting.

- 10.3 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- 10.4 Having consulted the Chairman or councillors pursuant to Standing Order 10.3 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 10.5 Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- 10.6 Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- 10.7 If a motion specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 10.8 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- 10.9 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.

## **11. Motions not requiring notice**

- 11.1 Motions in respect of the following matters may be moved without notice:
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of a previous meeting.
  - iv. To correct an inaccuracy of the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn the meeting.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or to an employee.
  - x. To appoint a committee or sub-committee or any councillors thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.

- xvi. To authorise legal deeds to be signed by two councillors and witnessed by the Proper Officer. *(see standing order 28 below)*
- xvii. To authorise the payment of monies up to £2,500 where the expenditure was considered urgent and executive action was taken.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by Standing Orders.
- xxiii. **To suspend any Standing Order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

- 11.2 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.

## 12. Questions

- 12.1 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.
- 12.2 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.
- 12.3 Every question shall be put and answered without discussion.
- 12.4 A person to whom a question has been put may decline to answer.

## 13. Rescission of previous resolutions

- 13.1 A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 5 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 13.2 When a special motion or any other motion moved pursuant to Standing Order 13.1 above has been disposed of, no similar motion may be moved within a further 6 months.

## 14. Confidential business

- 14.1 No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be.
- 14.2 Any member in breach of the provisions of Standing Order 14.1 above may be removed from a committee or sub-committee by resolution of the Council.

## 15. Matters affecting Council employees

- 15.1 If a meeting considers any matter personal to a Council employee, the matter shall be subject to Standing Orders 1.3, 14.1 and 14.2 above regarding confidentiality.
- 15.2 Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- 15.3 The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- 15.4 Only persons with line management responsibilities shall have access to employee records referred to in Standing Order 15.3 above.
- 15.5 Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Order 15.3 above shall be provided only to the Proper Officer and the Chairman of the Council.

## 16. Voting on appointments

- 16.1 Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.
- 16.2 All co-options in connection with casual vacancies shall take place by secret ballot.

## 17. Proper Officer

- 17.1 The Council's Proper Officer shall be (i) the Clerk or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- 17.2 The Council's Proper Officer shall do the following:
- i. **At least 3 clear days before a meeting of the Council, a Committee, Sub-Committee or Advisory Committee serve on Councillors a summons, by email, or delivery by post, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.** See Standing Order 1.2 above for the meaning of clear days for a meeting. Those wishing to opt out of receiving summons and agenda by email may receive a hard copy by delivery or post at their residences. Hard copies of agendas and supporting papers will be available for collection from the afternoon of the dated summons and agenda, and will also be made available at the meeting to which it relates.
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them.**

- iii. Subject to Standing Orders 10.1 to 10.4, include in 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.
- 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, in accordance with Standing Order 17.2(i) above.**
- v. Make available for inspection the minutes of meeting.
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. Receive and retain Declarations of Acceptance of Office from councillors.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings.
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*see also Standing Order 28*).
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.
- xvii. 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 ordinary meeting next following 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.

## **18. Code of Conduct (England) & Dispensations**

- 18.1 Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 18.2 All Members 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.
- 18.3 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 meeting 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.

- 18.4 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.
- 18.5 Dispensations 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.
- 18.6 A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 18.7 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.
- 18.8 Subject to Standing Orders 18.5 and 18.7 above, dispensations requests 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.
- 18.9 **A dispensation may be granted in accordance with Standing Order 18.6 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**

## 19. Allegations of breaches of the Code of Conduct

- 19.1 On receipt of a notification by Central Bedfordshire 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 refer it to the Establishment committee.
- 19.2 Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Establishment committee of that fact, who, upon receipt of such notification, shall nominate another member of staff to assume the duties of the Proper Officer set out in the remainder of this Standing Order, who shall continue to act in respect of that matter as such until the complaint has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 19.8 below.
- 19.3 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.
- 19.4 The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Establishment committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:

- i. draft the summonses and agenda in such a way that the identity and subject matter of the complaint are not disclosed;
  - ii. ensure that any background papers containing the information set out in Standing order 19.1 above are not made public;
  - iii. ensure that the public and press are excluded from meetings as appropriate;
  - iv. ensure that the minutes of meetings preserve confidentiality;
  - v. consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- 19.5 Standing Order 19.4 above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Establishment committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- 19.6 The Establishment committee shall have the power to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for the investigation of the matter;
  - ii. seek and share information relevant to the complaint;
- 19.7 References in Standing Orders 19.1 to 19.6 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a councillor.
- 19.8 **Upon notification by the District or Unitary Council (Central Bedfordshire 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.**

## 20. Disorderly conduct

- 20.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly, or in such a manner as to bring the Council into disrepute.
- 20.2 If, in the opinion of the Chairman, there has been a breach of Standing Order 20.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 20.3 If a resolution made in accordance with Standing Order 20.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 21. Canvassing of and recommendations by councillors

- 21.1 Canvassing councillors or the 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.
- 21.2 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.



- 21.3 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 21.2 and 18 (re interests) shall apply. The Proper Officer shall make known the purport of this Standing Order to every candidate.
- 21.4 Standing Orders 21.1, 21.2 and 21.3 above shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Unauthorised activities**

- 22.1 Unless authorised by a resolution, no individual member of the Council, or of any committee or sub-committee, shall in the name of or on behalf of the Council, committee or sub-committee:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **23. General Power of Competence**

- 23.1 **Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- 23.2 **The Council's period of eligibility begins on the date that the resolution under Standing Order 23.1 above was made and expires on the day of the annual meeting of the Council that takes place in a year of ordinary elections.**
- 23.3 **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 23.2 above.**

## **24. Freedom of Information Act 2000**

- 24.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and Data Protection Act 1998.
- 24.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Establishment committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 17.2(x) above.

## **25. Inspection of documents**

- 25.1 Subject to Standing Orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The

minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## 26. Accounts & Accounting Statement

- 26.1 The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- 26.2 “Proper Practices” in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
- 26.3 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s Financial Regulations.
- 26.4 The Responsible Financial Officer shall supply to each Councillor as soon as practicable, as a minimum, a quarterly statement summarising the Council’s receipts and payments for each quarter and the balances held at the end of the quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each Councillor as soon as practicable after the end of the financial year. The Statement of Accounts of the Council (which is subject to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval before 30<sup>th</sup> June.
- 26.5 The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

## 27. Financial Controls & Procurement

- 27.1 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 accounting records and systems of internal control
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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 electors of the Council’s accounts and/or orders of payments;
  - v. procurement policies (subject to Standing Order 27.4 below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
- 27.2 The Council’s financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 27.3 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.
- 27.4 **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimate value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in Standing Order 27.5 below.**
- 27.5 Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in local newspaper or publication;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed envelope, to the Proper Officer by a stated date and time;

- iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of the Council or Committee.
- 27.6 Neither the Council, nor any Committee, is bound to accept the lowest or any tender, estimate or quote.
- 27.7 **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## **28. Execution and sealing of legal deeds**

*See also Standing Order 11.1 (xvi) above*

- 28.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 28.2 **In accordance with a resolution made under Standing Order 28.1 above any two members of the Council may sign on behalf of the Council any deed required by law and the Proper Officer shall witness their signatures.**

## **29. Relations with the press/media**

- 29.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- 29.2 In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **30. Liaison with District and County or Unitary Councillors**

- 30.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council (Central Bedfordshire Council) representing its electoral ward.
- 30.2 Central Bedfordshire Council ward members for Stotfold shall be requested to report to the Town Council on any matters discussed at Central Bedfordshire Council that are relevant to Stotfold. They should be prepared to answer any questions of fact concerning such business put to them by Town Councillors at the end of their report, although such answers may have to be deferred to the next meeting if such information is not immediately available. These questions will be minuted.

Guidelines to be followed:

- i. the Central Bedfordshire Councillors 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 Central Bedfordshire Council 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 Town Council meeting.
- v. Town Councillors should only ask questions of fact concerning Central Bedfordshire Council 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.

## **31. Representatives on outside bodies**

- 31.1 All Town Council representatives on outside bodies shall report back to the Town 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 Town Council meeting, of such a report, so that it can be included on the agenda for the Town Council meeting.

## **32. Variation, revocation and suspension of Standing Orders**

- 32.1 Any or every part of the Standing Orders, except those which are mandatory by law (and printed in bold), may be suspended by resolution in relation to any specific item of business.
- 32.2 A motion to add or vary or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed and seconded, and a recommendation made by the Establishment Committee on amendments shall be put to the next full Council meeting.

## **33. Standing Orders to be given to councillors**

- 33.1 The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor upon delivery of his declaration of acceptance of office.
- 33.2 The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- 33.3 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.

Adopted by Council 4<sup>th</sup> November 2014