



LEIGHTON-LINSLADE
TOWN COUNCIL

STANDING ORDERS 2019

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INTRODUCTION

These standing orders are based on the 2018 update to the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

Existing Leighton-Linslade Town Council Standing Orders have been incorporated and added to the NALC model in the appropriate sections.

Sections 27 onwards have been added to the NALC model from the 2015 Town Council Standing Orders.

HOW TO USE STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

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

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

Standing orders that are in bold type contain legal and statutory requirements.

1. **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair 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 Chair 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 Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of a motion or the mover of an amendment shall have a right of reply not exceeding 5 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since s/he last spoke;
 - iii. to make a point of order;

- iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which s/he considers has been breached or specify the other irregularity in the proceedings of the meeting s/he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c If a resolution made under standing order 2(b) is disobeyed, the Chair may take such further steps as reasonably be necessary to enforce it and/or s/he may adjourn the meeting.

3. MEETINGS GENERALLY

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- 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.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 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.**
- 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 a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- 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.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his/her hand when requesting to speak ~~and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chair of the meeting may at any time permit a person to be seated when speaking.~~
- j A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.

- **l** Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- **m** A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- **n** 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.
- **o** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council (if there is one).
- **p** The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- **q** 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.
- **r** The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not s/he gave an original vote.

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- **s** 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/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t** The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent (in the case of a committee or subcommittee);
 - 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.

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

● v **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 any meeting be less than three.**

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

● w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

x A meeting shall not exceed a period of 2.5 hours.

y A motion to vary the order of business on the grounds of urgency:

(a) May be proposed by the Town Mayor, or by any Member, and, if proposed by the Town Mayor, may be put to the vote without being seconded, and

(b) Shall be put to the vote without discussion

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 quorum of a meeting of a committee, sub-committee or Task and Finish group shall be no less than three.

e The Council may appoint standing committees or other committees as may be necessary, and:

i. shall determine their terms of reference;

- ii. may permit a committee to vary the dates of its meetings;
- iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee to serve until the next Council Annual Meeting. Any member of a standing committee may be elected Chair, unless they are currently Chair (Town Mayor) of the Council;
- v. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee. The Chair of any committee should not also be appointed Chair of any Sub-Committees or Task Groups of that committee.
- vi. may dissolve a committee or a sub-committee at any time.

f Substitutes:

- i. A committee may appoint substitute councillors whose role is to replace ordinary councillors at a meeting of a committee, if ordinary councillors have confirmed to the Proper Officer prior to the meeting that they are unable to attend;
- ii. an ordinary member of a committee who has been replaced at a meeting by a substitute (in accordance with SO 4 (f) (i) above) shall not be permitted to vote on business at that meeting. Any councillor attending the meeting may speak at the invitation of the Chair.

g In the case of meetings of the committee responsible for Planning, questions or statements may be put by members of the public on individual planning applications immediately prior to the discussion on such applications (subject to the rules detailed in 3(f) and 3(g) and at the discretion of the Chair.

h The following shall apply with regard to the presence of non-members of Committees (and sub committees) at Committee (and sub committee) meetings:

- i. a member who has proposed a resolution, which has been referred to any Committee or sub committee of which s/he is not a member, should attend the meeting and explain his/her resolution, but not vote.
- ii. a member who has requested an item be included on a Committee or sub committee agenda should attend the meeting and explain his/her request to the meeting.
- iii. any councillor may attend and with the permission of the Chair, speak on particular matters at a meeting of a Committee (or sub committee) of which s/he is not a member, but may not vote.

i Members of the public may ask questions on any item on the agenda of a meeting during the time allotted for public questions, in accordance with Standing Orders 3(f) and 3(g). Questions need not be submitted in writing in advance.

j 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 resolution of that committee.

- k Every committee may appoint a Task and Finish Group or working party, if required to undertake research or complete a task (subject to Terms of Reference). Non councillor members may be appointed to join such groups, as appropriate. The committee may appoint a Chair for the Task and Finish Group, which will be for the duration of the project.
- l At least four councillors shall be appointed to Task and Finish groups.
- m The need for a Task and Finish group should be reviewed after six months by the Committee.
- n The Council may appoint advisory committees comprised of a number of councillors and non councillors.
- o Advisory committee may consist wholly of persons who are non councillors.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on the third Monday in May, or any 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 7.30pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, s/he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, s/he shall preside at the annual meeting until a new Chair of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

- i. **In an election year, delivery by the Chair 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 Chair of the Council of his/her 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. Review of representation on or work with external bodies and arrangements for reporting back;
 - ix. 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;
 - x. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- k. Council will delegate to the appropriate committee, usually the Policy and Finance Committee, the periodic review of the following:
- i. Appointment of any new committees in accordance with standing order 4;
 - ii. Review and adoption of appropriate standing orders and financial regulations;
 - iii. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - iv. Review of inventory of land and other assets including buildings and office equipment;
 - v. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - vi. Review of the Council's and/or staff subscriptions to other bodies;
 - vii. Review of the Council's complaints procedure;
 - viii. 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 11, 20 and 21*);
 - ix. Review of the Council's policy for dealing with the press/media;
 - x. Review of the Council's employment policies and procedures;

- xi. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair 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 Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], those 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee]. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b The body which made the decision may subsequently alter the decision in extenuating circumstances (e.g. should additional relevant information come to light)
- c When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

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

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

- a A motion shall relate to the responsibilities of the meeting 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 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) 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 7 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 Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion 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.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting;
- xvii. to close the meeting;
- xviii. to approve the absences of councillors;
- xix. to approve the accuracy of the minutes of the previous meeting;
- xx. to dispose of business, if any, remaining from the last meeting;
- xxi. to close or adjourn debate;
- xxii. to receive nominations to a committee or sub committee;
- xxiii. to note the minutes of a meeting of a committee or sub committee;
- xxiv. to consider a report and/or recommendation/s made by a committee or a sub committee;
- xxv. to consider a report and/or recommendation/s made by an employee, professional advisor, expert or consultant;
- xxvi. to authorise legal deeds to be signed by two councillors and witnessed;
- xxvii. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- xxviii. To give the consent of Council if such consent is required by standing orders;
- xxix. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
- xxx. A Member may ask the Chair or the Proper Officer any question concerning the business of the Council and a member may ask the Chair of a Committee any question upon the proceedings of the Committee then before Council;
- xxxi. No questions shall be asked not connected with business under discussion except during the part of the meeting set aside for questions;

xxxii. Every question shall be put and answered without discussion;

xxxiii. A person to whom a question has been put may decline to answer

- b If a motion falls within the terms of reference of a committee or sub committee or within the delegated powers conferred upon an employee, a referral of the same may be made to such committee or sub committee or employee, provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

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

12. **DRAFT MINUTES**

Full Council meetings ●
Committee meetings ●
Sub-committee meetings ●

a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an

accurate record of the meeting to which the minutes relate.

d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, s/he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **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.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless s/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 s/he has a disclosable pecuniary interest. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which s/he has another interest if so required by the Council’s code of conduct. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

iv. an explanation as to why the dispensation is sought.

g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.

h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:

i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;

ii. granting the dispensation is in the interests of persons living in the Council's area; or

iii. it is otherwise appropriate to grant a dispensation.

14. 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 11, report this to the Council.

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

c 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;

d Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.

15. **PROPER OFFICER**

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

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 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his/her withdrawal of it;

iii. **convene a meeting of the Council for the election of a new Chair 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. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

x. assist in 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);

xi. arrange for legal deeds to be executed;
(*see also standing order 23*);

xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

xiv. refer a planning application received by the Council to the Chair or in his/her absence the Vice-Chair of the Committee responsible for Planning and to the Chair or in his/her absence the Vice Chair of any other relevant Committee] within two working days of receipt to facilitate an extraordinary joint meeting if the nature of a planning application requires consideration by both Committees;

xv. manage access to information about the Council via the publication scheme; and

xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

xviii. Certify copies of byelaws made by the Council.

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

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

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

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

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- iii. the balances held at the end of the quarter being reported and

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

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

- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and

ii. to the Council the accounting statements for the year in the form of Section 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 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. procurement policies, including the setting of values for different procedures where the contract has an estimated value as specified in the Financial Regulations.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Any expenditure incurred by the Council shall be in accordance with the Financial Regulations.
- d. 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.
- e. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(h) 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.**
- f. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;

- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and/or 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.
- g. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - h. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
 - i. **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.**

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council a Committee or a sub-committee is subject to standing order 11.
- b. Staff sickness absence, performance appraisals and grievance matters shall be dealt with in accordance with adopted Town Council policies and procedures and where appropriate/necessary, will be reported back to the relevant Committee or Sub-Committee.
- c. 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.
- d. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(c).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- 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 (in accordance with its adopted policies and procedures).
- b The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.
- b The Council shall have a written policy in place for responding to and managing a personal data breach.
- c 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.
- d 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.
- e The Council shall maintain a written record of its processing activities.

22. **RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

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

See also standing orders 15(b)(xi) and (xvi).

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

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

25. 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.

26. 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 to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall, when proposed and seconded, stand adjourned without discussion until the next ordinary meeting of the Council.
- 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 Chair of a meeting as to the application of standing orders at the meeting shall be final.

27. QUESTIONS FROM COUNCILLORS

- a. A councillor may seek an answer to a question concerning any business of the Council provided 3 clear working 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.

28. PROPORTIONAL REPRESENTATION

- a. Allocation of seats on Committees or Sub-Committees (referred to as bodies) of Leighton-Linslade Town Council to be made on a proportional basis, unless agreed, without dissent, otherwise at the Annual Council Meeting. The rules determining allocation shall be those used, by statute, for principal Councils.

- b. A “political group” comprises two or more members who give written notice of their wish to be treated as a group. It must have a Leader and may have another person authorised to act in place of the Leader. No person can be a member of more than one group.
- c. A determination of the allocation of seats may take place annually at the Annual Meeting of the Town Council, or when it becomes apparent that it is necessary to do so. Determination, as far as is reasonably practical, must give effect to the following principles:
 - i) That not all seats of the body to which appointments are made are allocated to the same political group.
 - ii) That the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority’s membership.
 - iii) Subject to i) and ii), that the total number of seats on all the ordinary Committees of the Council allocated to a particular political group, reflects that group’s proportion of the membership of the Town Council.
 - iv) Subject to i) and ii), that the number of seats on each body allocated to a particular political group reflects that group’s proportion of the membership of the Town Council.
- d. Any single members who are not part of a political group should not be excluded from membership of bodies within the Town Council. Allocation of seats to such members should be by agreement between the political parties and must have regard to the principles stated above.

29. ESTIMATES/PRECEPTS

- a. The Council shall approve written estimates for the coming financial year.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year.

30. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for a staffing 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 applying for a staffing appointment.
- b. A councillor or a member of a committee or sub-committee shall not solicit a person for a staffing appointment to or by the Council, or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate’s ability, experience or character for submission to the Council with an application for appointment.
- c. If a candidate for any appointment under the Council is, to their knowledge, related to any Member or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Town Clerk. A candidate who fails to do so shall be disqualified for such appointment or, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a Member is disclosed, Standing Order Nos 13 and 15 (b) (vii) shall apply as appropriate.
- d. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

31. **INSPECTION OF DOCUMENTS**

- a. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his/her official duties (but not otherwise), inspect any document in possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.
- b. The minutes of meetings of the Council, its committees and sub-committees shall be available for inspection by councillors and the public.

32. **CONFIDENTIAL BUSINESS**

- a. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- b. A councillor in breach of the provisions of standing order 32 (a) above may be removed from a committee or a sub-committee by resolution of the Council.

33. **GENERAL POWER OF COMPETENCE**

- a. Before exercising the General Power of Competence, the Council must resolve at a meeting of the Council and each subsequent relevant annual meeting that it meets the conditions in paragraph b below.
- b. At the time a resolution under paragraph a is passed:
 - (i) The number of ordinary members of the council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal or greater than two-thirds of the total number of members of the council;
 - (ii) The clerk to the parish council holds one of: the Certificate in Local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
 - (iii) The clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph b. "Relevant training" means training provided in the exercise of general power; or provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

34. **CO-OPTION**

- a. In the event of a co-option arising to fill a casual vacancy caused by the death, resignation or disqualification of a Councillor, the Council's current policy shall apply.