



# Desborough Town Council

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## STANDING ORDERS



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# 1. INTRODUCTION

## 1.1. USE OF STANDING ORDERS

- 1.1.1. These Standing Orders incorporate the statutory Standing Orders applying to Parish and Community-level Councils, and additional clauses which the Council feels will enable and promote the following:
  - a. Smooth running of meetings;
  - b. Appropriate and positive engagement by the community in meetings;
  - c. Clarity on the role of the Chair of the Council, Vice Chair, committee Chairs of the Council;
  - d. Rules on voting;
  - e. Information management, including minutes and accessible information under relevant law;
  - f. Role of the Town Clerk as Proper Officer.
- 1.1.2. Statutory clauses are integrated into the relevant sections of these Standing Orders, and are shown in **bold** typeface.
- 1.1.3. Throughout these Standing Orders ‘written’ is deemed to include email or other digital forms of communications.
- 1.1.4. Throughout these Standing Orders ‘Councillor’ is deemed to include “non Councillor with voting rights”.
- 1.1.5. Unless otherwise defined, “clear days” excludes the day the notice was issued and the day of the meeting.
- 1.1.6. Where, from time to time, the Council defines policies on certain matters, these shall have the same effect as these Standing Orders, excepting that where there is disagreement in the terms of those policies, these Standing Orders shall take precedence.
- 1.1.7. Having due regard to the advice of the Proper Officer, the decision of the Chair on the application of Standing Orders is final.

# 2. ROLES

## 2.1. CHAIR AND VICE CHAIR OF THE COUNCIL

- 2.1.1. A Chair of the Council is required by the Local Government Act 1972 (LGA 1972) (Part 1, Section 15), and will fulfil the roles and responsibilities required by that Act.
- 2.1.2. The Council may also appoint a Vice Chair, who will fulfil the roles and responsibilities required by that Act in the event that the Chair is not available.
- 2.1.3. The Chair and Vice Chair have only such powers as are granted under the LGA 1972—the role confers no other special privileges.

## 2.2. STATUTORY PROVISIONS RELATING TO THE CHAIR AND VICE CHAIR

- 2.2.1. **The Chair, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the statutory annual meeting until a successor is elected at the next statutory annual meeting of the Council.**
- 2.2.2. **The Vice Chair, if there is one, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair at the next statutory annual meeting of the Council.**
- 2.2.3. **In an election year, if the current Chair has not been re-elected as a member of the Council, s/he shall preside at the meeting until a successor Chair has been elected. The current Chair shall not have an original vote in respect of the election of the new Chair but must give a casting vote in the case of an equality of votes.**
- 2.2.4. **In an election year, if the current Chair has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chair has been elected. s/he may exercise an original vote in respect of the election of the new Chair and must give a casting vote in the case of an equality of votes.**
- 2.2.5. **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 their absence be done by, to or before the Vice Chair of the Council.**
- 2.2.6. **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair, if present, shall preside. If both the Chair and the Vice Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

## 2.3. PROPER OFFICER

- 2.3.1. **The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) delegated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.**
- 2.3.2. **The Proper Officer, and other Officers of the Council will hold such qualifications as to confer upon the Council the General Power of Competence;**
- 2.3.3. **Confirmation that the Council meets the statutory criteria to exercise the General Power of Competence shall be an item at the Statutory Annual Meeting**
- 2.3.4. **The Proper Officer shall:**
  - a. **Give at least three clear days before a meeting of the Council, a committee, or a sub committee, serve on Councillors, by email or by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
  - b. **Give public notice in a conspicuous place of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**
  - c. **Convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office;**
  - d. **Receive and retain copies of bye-laws made by other local authorities;**

- e. Provide a copy of the Council's Standing Orders to a Councillor as soon as possible after s/he has delivered his/her acceptance of office form.
- f. **Facilitate inspection of the minute book by local government electors.**

## 3. STRUCTURE OF THE COUNCIL

### 3.1. COMMITTEE STRUCTURE

- 3.1.1. The Council may appoint such committees, sub-committees, and working parties as it deems necessary, and confirm the terms of reference and membership.
- 3.1.2. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee**, which shall not exceed the terms of reference of the parent committee.
- 3.1.3. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- 3.1.4. Each committee shall have the number of members determined by the Council such that it can effectively conduct its business and achieve a quorum.
- 3.1.5. Unless a Chair has already been elected by the Council, members of each committee will elect a Chair and Vice Chair, who shall hold office until the next statutory annual meeting of the Town Council, unless a motion is passed at Council to remove them, or to disband the Committee;
- 3.1.6. In creating a committee, sub-committee or a working party, the Council shall permit the body to determine the number and time of its meetings up to the date of the next statutory annual meeting of the Council.

### 3.2. REMOVAL, ADDITION OF AND CHANGES TO COMMITTEES, SUB-COMMITTEES, AND WORKING PARTIES

- 3.2.1. If a committee, sub-committee, or working party, is no longer required to fulfil its stated Terms of Reference, the Council may vote to disband the committee.
- 3.2.2. The Council may appoint further committees, sub-committee, or working parties, at any Council meeting, and may appoint members to those bodies at that time. Chairs and Vice Chairs to committees will be elected only until the next Annual meeting of the Town Council, and at which point all committees will be subject to review and re-selection of members.
- 3.2.3. The Council may review and amend the membership and terms of reference of committees, sub-committees, and working parties by resolution in a Council meeting.

### 3.3. APPOINTMENT OF NON-COUNCILLORS TO COMMITTEES

- 3.3.1. The Council recognises the role that members of the wider community can play in the business of the Council.
- 3.3.2. **The members of a committee, sub-committee, or working party may include non-councillors unless it is a committee which regulates and**

**controls the finances of the Council.** Non-councillors may be appointed on the basis that:

- a. They add additional expertise to the work of the committee and do not simply 'pack' the committee with individuals of a like view;
- b. They have been subject to any selection process which may be defined by the Council;
- c. They have declared any interests, pecuniary or otherwise, in a way consistent with requirements on elected members of the Council.

3.3.3. Any relationship of a proposed non-councillor appointee to a committee, sub-committee, or working party, to an elected Councillor shall be reported to the Proper Officer in any case prior to their acceptance of appointment.

3.3.4. A register of interests and expertise will be maintained of non-councillor members of committees, sub-committees, and working parties.

#### 3.4. PROPOSALS FROM COMMITTEES

3.4.1. Any individual may make a proposal for a consideration by committee, and the Council will provide a policy and suitable template to assist with that process. In the first instance, the proposal should be addressed to the committee in whose Terms of Reference it falls, and delivered to the Proper Officer.

3.4.2. The Proper Officer, in consultation with the Chair of the committee, may reject a proposal on the basis of;

- a. Lack of clarity or legibility;
- b. Irrelevance to the Terms of Reference of the committee;
- c. Unlawful or improper conduct or wording.

3.4.3. The decision of the Proper Officer to reject a proposal is final. Such decisions will be recorded, with reasons listed, under 6.2.2 and the record made publicly available.

3.4.4. All remaining proposals, whether from individuals or a Councillor, will be assigned a Councillor as Sponsor who will assist with drafting the proposal and guiding it through the process.

3.4.5. All proposals with a financial requirement above the assigned annual budget and / or spending cap for each Committee, as agreed by the Town Council shall be brought before the full Town Council for scrutiny. Proposals for financial commitments in excess of £30,000 or 5% of the total annual budget, or which require a loan to be taken will be presented to and considered by Council.

## 4. MEETINGS

### 4.1. NOTICE OF MEETINGS

**4.1.1. Three clear days' notice will be given of meetings to Councillors and the public. 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**

## **4.2. STATUTORY ANNUAL MEETING**

### **4.2.1. The Statutory Annual Meeting of the Council shall be held;**

- a. In an election year, on or within 14 days following the day on which the new Councillors elected take office;**

*or*

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

### **4.2.2. If no other time is fixed, the Statutory Annual Meeting shall take place at 6.00pm.**

### **4.2.3. The first item at the Statutory Annual Meeting shall be the election of the Chair in order to fulfil requirements under 2.1.1 of these Standing Orders and the LGA 1972.**

### **4.2.4. Following the election of the Chair of the Council and appointment of Vice Chair of the Council (if any) at the Statutory Annual Meeting, the business of the meeting shall include:**

- a. 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.**
- b. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date.**

## **4.3. OTHER MEETING REQUIREMENTS**

### **4.3.1. The Council will hold a minimum of three other meetings in the year; those other meetings shall be held at such an hour and on such days as the Council may determine**

### **4.3.2. Extraordinary meetings of the Council may be called:**

- a. By the Proper Officer in accordance with the Scheme of Delegation;**
  - b. By the Chair at any time;**
- or*
- c. Upon receipt of a requisition signed by two members, to the Chair and stating the business to be transacted, no other business being allowed.**

### **4.3.3. If the Chair does not call or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors, any 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.**

### **4.3.4. 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.**

### **4.3.5. Meetings will finish by 10 p.m. except by agreement of all Councillors present and the Proper Officer.**

#### 4.4. JOINT MEETINGS OF COMMITTEES

- 4.4.1. Where there is a clear coincidence of purpose of terms of reference, committee Chairs may agree to call a joint meeting of two committees. Such meetings shall require a quorum of three Councillors of each committee in order to form a quorum (accepting that Councillors may sit on both committees and thus contribute to both numbers)**
- 4.4.2. In the event that such a coincidence occurs across more than two committees, consideration should be given to referring the matter to a meeting of the Council.**

#### 4.5. QUORUM REQUIREMENTS

- 4.5.1. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be fewer than three.**
- 4.5.2. 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.**
- 4.5.3. The minimum quorum for Committees, Sub-Committees, and Working Parties, shall be three Councillors unless otherwise fixed by the Council. In no case shall a quorum be fewer than three voting members.
- 4.5.4. In the event that a member declares a disclosable pecuniary interest in respect of a specific agenda item, such that the meeting becomes inquorate, consideration of that item will be deferred to the next meeting, or to such other meeting as will be determined by the Council or the Committee, or in the case of urgency, the Town Clerk.
- 4.5.5. To that end, all members of meetings will be asked to disclose pecuniary interests as early as possible in proceedings to allow for the agenda to be adjusted.

#### 4.6. VOTING

- 4.6.1. Subject to a meeting having a quorum, all questions at a meeting shall be decided by a majority of the Councillors or non-Councillors with voting rights present and voting.
- 4.6.2. Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands.
- 4.6.3. Voting by the Council in relation to the following matters shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question;
- a. Motions in respect of the calling of local referenda;
  - b. Motions in respect of the transfer of assets to control (direct or indirect) of the Council by another body;
  - c. Motions in respect to strategic documents, business plans, the Neighbourhood Plan, or documents of similar nature;
  - d. Any motion which results in the rejection of a proposal which has already been ratified by the Council.

- 4.6.4. 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- 4.6.5. Voting in committees shall be limited to members of the Council unless specified by the Council in advance.
- 4.6.6. The Code of Conduct adopted by the Council shall apply to Councillors and non-councillors with voting rights in respect of the entirety of meetings.
- 4.6.7. 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 their casting vote whether or not s/he gave an original vote.
- 4.6.8. A Councillor or a non-councillor member 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 their right to participate and vote on that matter.
- 4.6.9. A member of the Council who is not an assigned member of that committee is entitled to attend and discuss items on the agenda at any committee meeting, but only as a non-voting member.

#### 4.7. ABSENCE FROM COUNCIL MEETINGS

- 4.7.1. Members will give as much prior notice as possible of absence at Council meetings and committee meetings.

#### **4.7.2. At every meeting the first business shall be to elect a Chair for the meeting if the Chair and Vice Chair are absent.**

#### 4.8. CONFIDENTIALITY WITHIN MEETINGS

- 4.8.1. 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 viz; *"in accordance with the Public Bodies (Admission to Meetings) Act 1960, such that it would be prejudicial to the Public Interest by reason of the confidential nature of the business to be transacted, the meeting resolves that the public and press will be temporarily excluded"*.
- 4.8.2. Such resolutions shall only be permissible within these Standing Orders where;
- The Council has a duty under Law (for example as employer) to individuals whose personal data or other confidential information is required to be, or is likely to be discussed;
  - The Council is otherwise bound by law or compliance with a contract that requires a matter to be discussed confidentially in line with the 1960 Act.
- 4.8.3. Records of matters discussed in confidential session will remain confidential while the reason for confidentiality remains extant, subject to the Freedom of Information Act 2000, the Data Protection Act 1998 and other relevant laws of England and Wales.
- 4.8.4. Members shall always be mindful of their general duty of confidentiality under law, both as individuals and, collectively, as the Employer (Desborough Town Council).

4.8.5. Discussion in relation to any aspect of employee relations with Town Council staff, collectively or individually, shall be referred to a meeting of the Council, and shall in all cases be subject to a motion under Standing Order 6.3.1. Such agenda items will be considered confidential to the members of that committee, and other members will be asked by the Committee chair to vacate the room for those items, pursuant to Standing Order 6.1.1.

#### 4.9. DRAFT MINUTES

4.9.1. 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 without debate.

4.9.2. 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).

4.9.3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

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

**4.9.5. 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.**

4.9.6. Subject to the publication of draft minutes in accordance with Standing Order 4.9.5. and Standing Order 6.1.1.b. 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.

## 5. PUBLIC INVOLVEMENT IN MEETINGS

### 5.1. RULES COVERING PUBLIC INVOLVEMENT IN MEETINGS

5.1.1. Public involvement is central in the promotion of democratic government — access to meetings is a right for all members of our community, both in terms of physical access to the meeting itself, and wider accessibility of Council proceedings.

5.1.2. All Council and Committee 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, subject to Section 4 of these Standing Orders. **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.**

- 5.1.3. At each Council meeting an agenda item of “Representations from Members of the Public” will provide individual members of the public with the opportunity to speak for a period not normally to exceed five minutes at the discretion of the Chair of the meeting, subject to;
- a. A request made to the Clerk of that meeting to do so (which may be via email in advance, or via a “Request to Speak” form, ahead of the published start time of that meeting);
  - b. Notice given as to the subject of the question or statement to be made;
  - c. Disclosure of any relevant interest they have in relation to the matter they wish to discuss (for example, membership of an interest group<sup>1</sup>, proximity to a proposed development or such);
  - d. The total time allocated to public questions and statements not exceeding 30 minutes, except at the discretion of the Chair of the meeting;
- 5.1.4. Where it is apparent that multiple individuals wish to speak on the same subject, and taking account of differing views, the Chair may request that a spokesperson be selected by those speakers to represent them, rather than allow all individuals to speak.
- 5.1.5. Members of the public may be invited to speak during an Agenda item where they can provide additional information to members. Members shall receive the Chair’s assent prior to directly engaging a member of the public, although assent should only be withheld where there would be significant detriment to the running of the meeting.
- 5.1.6. A record of public participation as part of an agenda item shall be minuted against that agenda item.
- 5.1.7. The press shall be provided reasonable facilities for the taking of a report of all or part of a meeting at which they are entitled to be present.
- 5.1.8. In accordance with The Openness of Local Government Bodies Regulations 2014; a person may not orally report or comment about a meeting as it takes place if s/he is present at the meeting, 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.
- 5.1.11. By acceptance of these Standing Orders, Councillors consent to the recording or broadcasting of meetings by analogue or digital means.
- 5.1.12. Where the Council is informed that a meeting is to be recorded or broadcast in any format, clear notice will be given of this to members and to the public.
- 5.1.13. With respect to meetings organised by the Council for the specific purpose of public engagement, outside of standard meetings, these Standings Orders will apply only insofar as is required to meet statutory requirements and ensure the smooth running of the meeting.

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<sup>1</sup> for the purposes of Standing Order 5.1.3.c, interest groups are defined as any group, whether constituted or not, body corporate or not, that consists of three or more individuals or companies that wish to express an opinion on a matter or matters under consideration by the Council.

## 6. MOTIONS AT MEETINGS

### 6.1. MOTIONS NOT REQUIRING NOTICE

- 6.1.1. Motions in respect of the following matters may be moved without written notice to the Proper Officer;
- a. To appoint a person to preside at the meeting;
  - b. To correct an inaccuracy and approve the accuracy of the draft Minutes of a meeting;
  - c. To dispose of business, if any, remaining adjourned from the previous meeting;
  - d. To alter the order of business on the agenda for reasons of urgency or expediency;
  - e. To put a motion to the vote in relation to any agenda topic;
  - f. To refer by formal delegation a matter to a committee, subcommittee or an officer;
  - g. To note the minutes of a committee or subcommittee;
  - h. To consider a report and/or any recommendations made by a committee, subcommittee, officer, professional expert, advisor or consultant;
  - i. To authorise legal deeds to be sealed by the Council's common seal and witnessed;
  - j. To amend a motion;
  - k. to defer consideration of a motion;
  - l. To give leave to withdraw a motion or an amendment;
  - m. To defer consideration of a motion and proceed to the next business on the agenda;
  - n. To conduct a consultation with residents who are directly affected by any specific measure;
  - o. To exclude the public and press (See Section 7.3.5 of these Standing Orders);
  - p. To not-hear or eject from the meeting a person for disorderly conduct. (See 6.5);
  - q. To require a written report;
  - r. To extend the time-limits for speaking;
  - s. To suspend any Standing Order except those which are mandatory by law;
  - t. To temporarily suspend, close or adjourn the meeting;
  - u. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
  - v. to appoint a committee, sub-committee, or working party and their membership.

### 6.2. MOTIONS REQUIRING NOTICE

- 6.2.1. Motions in respect of the following matters may not be moved without written notice to the Proper Officer;
- a. A motion shall relate to the responsibilities of the meeting for which it is proposed 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 seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- b. The Proper Officer may, before including on the agenda a motion received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- c. 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 seven clear days before the meeting.
- d. 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.
- e. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### 6.3. RULES OF DEBATE FOR MOTIONS

- 6.3.1. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the discretion of the chair of the meeting.
- 6.3.2. All motions require a proposer and seconder. The Chair may require the motion to be provided in writing at their discretion, even if proposed during the meeting.
- 6.3.3. Once proposed, any member may request an amendment to the words of the motion; the proposer may only propose the withdrawal or amendment of the motion by agreement with the seconder.
- 6.3.4. An amendment is a proposal to add or remove words from a motion and shall not rescind or negate the original motion proposed.
- 6.3.5. One motion or amendment will be discussed at a time.
- 6.3.6. The Chair will determine the order of speakers and will, at their discretion set a time-limit on both individual contributions and the whole debate.
- 6.3.7. Members and other permitted contributors will conduct themselves appropriately and respectfully of each other, and attention is drawn to the Code of Conduct.
- 6.3.8. The proposer of a motion or amendment shall have the right to reply prior to the matter being put to vote.

- 6.3.9. A member raising a point of order must refer to the specific provision of these Standing Orders. The decision of the Chair on a point of order is final.
- 6.3.10. When a motion is under debate no other motion shall be moved except the following:
- a. To amend the motion;
  - b. To put the motion to the vote;
  - c. To adjourn the debate and proceed with business;
  - d. To refer a motion to a committee or to the Council, as appropriate for consideration;
  - e. To take any actions on exclusion from the meeting subject to Standing Order 6.1.1.p. or 6.4.4.;
  - f. In accordance with Standing Order 10.1.1, to suspend any Standing Order, except those which reflect mandatory statutory requirements.
- 6.3.11. Any member may move to put the motion to a vote, providing that the Chair is satisfied that sufficient time has been allowed for debate, and allowing for the Proposer's rights under 6.3.8.
- 6.3.12. Excluding motions moved under Standing Order 6.3.10, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chair of the meeting.
- 6.3.13. All motions except those listed under 6.1 require that written notice of no less than 7 clear days be given to the Proper Officer, to allow its inclusion in the Agenda such that it will have public notice.
- 6.3.14. The Proper Officer shall maintain a record of all motions received for a meeting.
- 6.3.15. Motions to amend Standing Orders, or to remove the Chair, Vice Chair or assignment of membership to a committee are reserved to Council, and the Chair of the Council will be informed without undue delay of the receipt of such motions.
- 6.3.16. The Proper Officer, in consultation with the Chair of the meeting, may reject a motion on the basis of:
- d. Lack of clarity or legibility;
  - e. Irrelevance to the Terms of Reference of the Meeting;
  - f. Unlawful or improper conduct or wording.
- 6.3.17. The decision of the Proper Officer to reject a motion is final. Such decisions will be recorded, with reasons listed, under 6.2.1.f and the record made publicly available.
- 6.3.18. The Proper Officer will set out in the Summons for each meeting all notices of motion or recommendation in an order agreed with the Chair of the meeting.
- 6.3.19. Any motion may be withdrawn by the member proposing it, or a deferral sought, up to and including during the meeting, by written or verbal notice to the Chair.
- 6.3.20. Any motion which is not moved during the meeting will be considered withdrawn, and will not automatically be deferred.

6.3.21. Any motion which falls under the Terms of Reference of a committee will be referred by the Council to that committee unless the Chair deems it to be a matter of urgency, or the matter has been referred by that committee.

#### 6.4. DISORDERLY CONDUCT

6.4.1. No person including members shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or, if a member, in such a manner as to bring the Council into disrepute.

6.4.2. If this Standing Order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

6.4.3. If any member is deemed by the Chair to be unfit to take part in proceedings, through alcohol or other substances, they will be asked to leave the meeting and further action may be taken under the Code of Conduct.

6.4.4. If, in the opinion of the Chair, a person has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any member may move that the person named be no longer heard or that the person named to leave the meeting, and the resolution, if seconded, shall be put forthwith and without discussion.

6.4.5. If either of the resolutions mentioned in Standing Order 6.4 is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## 7. CONFIDENTIAL MATTERS

#### 7.1. HANDLING CONFIDENTIAL INFORMATION

7.1.1. No member of the Council will disclose to any person not a member of the Council or the Proper Officer any information which they believe to be confidential, or which was provided to them in circumstances that would normally give rise to that belief.

7.1.2. In discussions with other members, and with staff, members will at all times consider whether others 'need to know' the information and refrain from sharing information outside of that need, accepting that there will in many cases be a legitimate public interest in sharing information.

7.1.3. Members will ensure that any materials with protective markings of 'Restricted' or 'Private and Confidential' are treated as such, and shall follow any further instructions or policy that the Council may define on the handling of such information.

7.1.4. If they believe that such a marking is inappropriate or is no longer relevant, the Proper Officer may agree with the Chair of the Council to disclose such documents.

7.1.5. 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.

7.1.6. In respect of Council Employees, only persons responsible for all or part of the management of staff shall, at any time, have a right of access to employee records, appraisals or other documents that are held in the context of an employment relationship. Access may be granted only in specific circumstances, by agreement of the Chair of the Council, and unless detrimental to the purposes of the request, by consent of the individual employee.

## 7.2. HANDLING STAFF MATTERS

7.2.1. A matter personal to a member of staff that is being considered by a meeting of council is subject to Standing Order 7.3.

7.2.2. The council shall keep secure all written records relating to employees. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

7.2.3. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 7.1.5 and 7.1.6 above if so justified.

7.2.4. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 7.1.5 and 7.1.6 above shall be provided only to Clerk and/or the Chairman of the Council.

7.2.5. At a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public and the Clerk, or any person employed by the Council present at the meeting, shall be excluded.

## 7.3. INFORMATION SECURITY

7.3.1. 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.

7.3.2. 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).

7.3.3. 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.

7.3.4. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

7.3.5. Members shall take all due precautions to ensure the security and integrity of information that they receive or create in the course of their duties. These may include;

- a. Using only systems provided by the Town Council for official Council business, except where otherwise agreed with the Proper Officer;

- b. Taking due care of those systems, including following instructions from Council staff or contractors in respect of security and other software updates;
- c. Refraining from use of portable media such as USB flash drives;
- d. Installation or use of encryption technologies;
- e. Undertaking such training as is identified by the Town Council as providing an appropriate level of knowledge on matters relating to information security and privacy

## 8. CODE OF CONDUCT AND DECLARATION OF INTERESTS

### 8.1. CODE OF CONDUCT

- 8.1.1. All Councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 8.1.2. Suspected breaches of the Code of Conduct will be referred to the Monitoring Officer of the relevant District or Unitary Council;
- 8.1.3. Upon notification by the relevant District or Unitary Council that a Councillor or non-councillor has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 7, report this to the Council. The Council shall consider what, if any, action to take against that individual. Such action excludes disqualification or suspension from office.
- 8.1.4. The Council reserves the right to suspend or permanently remove, by motion at a meeting, any office held by that member including Chair, Vice Chair or membership of a committee, where it deems that doing so is necessary for the protection of the dignity of the office held or failure to do so would bring the Council into disrepute. This may be irrespective of any final decision by the Monitoring Officer.
- 8.1.5. Where the notification in Standing Order 8.1.3 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, or non-Councillor external advisor, 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 8.1.3.

### 8.2. DISCLOSURE OF INTERESTS

- 8.2.1. **Councillors with a disclosable pecuniary interest in relation to any item of business being transacted at a meeting may;**
  - a. **make representations; and,**
  - b. **answer questions; and,**
  - c. **give evidence relating to the business being transacted;****but must, thereafter, leave the room or chamber.**

### 8.3. DISPENSATIONS IN RESPECT OF DISCLOSABLE INTERESTS

- 8.3.1. **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.

- 8.3.2. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 8.3.3. 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.
- 8.3.5. A dispensation may be granted in accordance with above if having regard to all relevant circumstances the following applies:**
- a. 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**
  - b. granting the dispensation is in the interests of persons living in the Council's area or**
  - c. it is otherwise appropriate to grant a dispensation.**

#### 8.4. OTHER RESTRICTIONS ON COUNCILLOR ACTIVITIES

- 8.4.1. No Councillor shall claim to represent the Council without a resolution authorising them to do so.
- 8.4.2. Unless authorised by a resolution, no Councillor shall inspect any land and / or premises which the Council has a right or duty to inspect / investigate; or issue orders / instructions or directions.
- 8.4.3. No Councillor shall represent their personal view in any forum or meeting as the expressed view of the Council unless such has been expressed by a resolution of the Council in a meeting.

## 9. FINANCIAL CONTROLS, PROCUREMENT AND DEEDS

### 9.1. FINANCIAL REGULATIONS

- 9.1.1. 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 9.1.3 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 9.1.2. 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.**

**9.1.3. 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.**

9.1.4. Additionally, “Desborough Town Council: Financial Regulations”, and other policies that shall be established shall apply.

## 9.2. EXECUTION AND SEALING OF LEGAL DEEDS

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

9.2.2. Subject to Standing Order 9.2.1 above, the Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.

or

**9.2.3. Subject to Standing Order 9.2.1, any two councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

# 10. TEMPORARY SUSPENSION OF STANDING ORDERS

## 10.1. SUSPENSION OF STANDING ORDERS

10.1.1. All or part of the foregoing Standing Orders, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

# 11. EMERGENCY POWERS

## 11.1. DELEGATION OF POWERS IN EMERGENCIES

11.1.1. In all cases of emergency where the Town Clerk, in consultation with the Chair or Vice Chair, shall deem it expedient, and in accordance with the Scheme of Delegation, the Town Clerk is authorised and empowered to take all such steps on behalf of the Council as s/he may deem advisable, as if the same proceedings had been previously authorised by the Council. Such proceedings shall be reported to the next meeting of the Council.