



# Desborough Town Council

Desborough Library Building  
High Street  
Desborough  
NN14 2QS

01536 628816  
[clerk@desboroughtowncouncil.gov.uk](mailto:clerk@desboroughtowncouncil.gov.uk)

## STANDING ORDERS



STANDING ORDERS .....	1
1. Introduction .....	4
1.1. Use of Standing Orders .....	4
2. Rôles .....	4
2.1. Chair and Vice Chair of the Council .....	4
2.2. Statutory Provisions Relating to the Chair and Vice Chair .....	4
2.3. Previous Resolutions .....	5
2.4. Proper Officer .....	5
3. Structure of the Council .....	6
3.1. Committee Structure .....	6
3.2. Removal, Addition of and Changes to Committees, Sub-Committees, and Working Parties .....	6
3.3. Appointment of non-Councillors to committees, other bodies, and posts .....	7
4. Meetings .....	7
4.1. General meeting provisions .....	7
4.2. Notice of meetings .....	7
4.3. Statutory Annual Council Meeting .....	8
4.4. Extraordinary Meetings .....	8
4.5. Quorum Requirements .....	9
4.6. Voting .....	9
4.7. Absence From Council meetings .....	10
4.8. Confidentiality Within Meetings .....	10
4.9. Draft Minutes .....	11
5. Public involvement in meetings .....	11
5.1. Rules Covering Public Involvement in Meetings .....	11
6. Temporary suspension of Standing Orders .....	13
6.1. Suspension of Standing Orders .....	13
7. Motions at Meetings .....	13
7.1. Motions Not Requiring Notice .....	13
7.2. Motions Requiring Notice .....	13
7.3. Rules of Debate for Motions .....	14
7.4. Disorderly Conduct .....	15
8. Confidential matters .....	16
8.1. Handling confidential information .....	16
8.2. Handling Staff Matters .....	16
8.3. Information Security .....	16
8.4. Responsibilities to Provide Information .....	17
8.5. Responsibilities Under Data Protection Legislation .....	17
8.6. Code of Conduct and Declaration of Interests .....	18
8.7. Disclosure of Interests .....	18
8.8. Dispensations in Respect of Disclosable Interests .....	18
8.9. Other Restrictions on Councillor Activities .....	19
9. Financial controls, procurement and deeds .....	19
9.1. Financial Regulations .....	19
9.2. Execution and Sealing of Legal Deeds .....	20
10. Emergency Powers .....	20
10.1. Delegation of Powers in Emergencies .....	20

## 1. INTRODUCTION

### 1.1. USE OF STANDING ORDERS

1.1.1. These Standing Orders incorporate the statutory Standing Orders applying to Town Councils, and additional clauses which the Council feels will enable and promote the following:-

- i) smooth running of meetings;
- ii) appropriate and positive engagement by the community in meetings;
- iii) clarity on the rôles of the Chair of the Council, Vice Chair, and committee Chairs;
- iv) rules on voting;
- v) information management, including minutes and accessible information under relevant law;
- vi) the rôle 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. RÔLES

### 2.1. CHAIR AND VICE CHAIR OF THE COUNCIL

2.1.1. The Council must always have a Chair of the Council (under the Local Government Act 1972 (LGA 1972) (Part 1, Section 15)), and the post-holder will fulfil the duties, rôles, and responsibilities required by that Act.

2.1.2. The Council may also appoint a Vice Chair, who will fulfil the duties, rôles, 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 rôles confer no other special privileges.

**2.1.4. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**

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

**2.2.1. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

**2.2.2. The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

**2.2.3. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the**

election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.

- 2.2.4. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.
- 2.2.5. In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date.
- 2.2.6. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 2.3. PREVIOUS RESOLUTIONS
- 2.3.1. A resolution shall not be reversed within six months except by a special motion, which requires written notice signed by at least seven Councillors to be given to the Proper Officer in accordance with Standing Order 7, or by a motion moved in pursuance of the recommendation of an officer, a committee, or a sub-committee.
- 2.3.2. When a motion moved pursuant to Standing Order 2.3.1. has been disposed of, no similar motion may be moved for a further six months unless moved in pursuance of the recommendation of an officer.
- 2.4. PROPER OFFICER
- 2.4.1. The Town Clerk shall be the Proper Officer. In the absence of the Town Clerk, the Council may designate any other suitable temporary or permanent staff member(s) to undertake the work of the Proper Officer.
- 2.4.2. **The Proper Officer shall:**
- i. **at least three clear days before a meeting of the council, a committee:-**
    - a) **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**
    - b) **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).**
  - ii. subject to Standing Order 7, include on the agenda all motions in the order received unless a Councillor has given written notice at least eight days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from Councillors;
  - vii. hold a copy of every Councillor's register of interests;
  - viii. manage access to information about the Council via the publication scheme.;
  - 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;
- 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.

### 3. STRUCTURE OF THE COUNCIL

#### 3.1. COMMITTEE STRUCTURE

- 3.1.1. The Council will appoint a standing Personnel Committee, and may appoint such other committees, sub-committees, time limited working parties, and advisory panels as it deems necessary, and shall determine the terms of reference and membership of each, and the time limit and/or limited task for working parties.
- 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. **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- 3.1.4. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- 3.1.5. The Council may appoint other committees, sub-committees, working parties, or advisory panels as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. 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.
  - iii. shall, subject to Standing Orders 3.1.3 and 3.1.4, appoint and determine the terms of office of members of such a committee;
  - iv. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
  - v. may permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
  - vi. may determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - vii. shall determine if the public may participate at a meeting of a committee;
  - viii. shall determine if the public and press are permitted to attend the meetings of bodies other than Committees;
  - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - x. may dissolve standing committees, other committees, sub-committees, working parties, or advisory panels at any time.

#### 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 body.
- 3.2.2. In establishing a working party, the presumption is that the working party will be time limited and in no case shall continue beyond the next Annual Council meeting.

- 3.2.3. The Council may appoint further committees, sub-committee, advisory panels, or working parties, at any Council meeting, and may appoint members to those bodies at that time. Members and Chairs will be elected only until the next Annual meeting of the Town Council, and at which point all committees and other bodies will be subject to review and re-selection of members, and all sub-committees, advisory panels, and working parties will cease unless actively reformed by the Council.
- 3.2.4. The Council may review and amend the membership and terms of reference of committees, sub-committees, advisory panels, and working parties by resolution in a Council meeting.
- 3.3. APPOINTMENT OF NON-COUNCILLORS TO COMMITTEES, OTHER BODIES, AND POSTS
- 3.3.1. The Council recognises the rôle that members of the wider community can play in the business of the Council.
- 3.3.2. The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council or which deals with staffing matters (e.g. Personnel Committee).**
- 3.3.3. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- 3.3.4. Non-Councillors may be appointed to Committees, sub-committees, advisory panels, of working parties on the basis that:
- i) They add additional expertise to the work of the committee and do not simply 'pack' the body with individuals of a like view;
  - ii) They have been subject to any selection process which may be defined by the Council;
  - iii) They have declared any interests, pecuniary or otherwise, in a way consistent with requirements on elected members of the Council.
- 3.3.5. Any relationship of a proposed non-Councillor appointee to a committee, sub-committee, advisory panel, or working party, to an elected Councillor, to another non-Councillor appointee or proposed appointee to that body, to a Council employee, or a volunteer appointed by the Council, shall be reported to the Proper Officer in any case prior to their acceptance of appointment. Failure to comply with this Standing Order shall render that non-Councillor's appointment invalid.
- 3.3.6. A register of interests will be maintained of non-Councillor members of committees, sub-committees, advisory panels, and working parties.

#### 4. MEETINGS

##### 4.1. GENERAL MEETING PROVISIONS

- 4.1.1. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- 4.1.2. No Councillor, or voting non-Councillor, shall attend any remote, online, or hybrid meeting whilst located in premises which at the time of the meeting are used for the supply of alcohol.
- 4.1.3. Meetings shall not exceed a period of two and a half hours.

##### 4.2. NOTICE OF MEETINGS

- 4.2.1. 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.**

**4.2.2. 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.**

4.3. STATUTORY ANNUAL COUNCIL MEETING

**4.3.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**

**4.3.2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

**4.3.3. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

**4.3.4. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

**4.3.5. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**

4.3.6. Following the election of the Chair of the Council and appointment of the 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 Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- iii. Review of the terms of reference for committees;
- iv. Appointment of members to existing committees;
- v. Appointment of any new committees and determine their terms of reference;
- vi. Review of representation on or work with external bodies and arrangements for reporting back;
- vii. 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;
- viii. Review of inventory of land and other assets including buildings and office equipment.
- ix. In an election year only, to decide if it meets the criteria for eligibility at that particular point in time for the General Power of Competence.

4.4. EXTRAORDINARY MEETINGS

**4.4.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**

**4.4.2. If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**

4.4.3. The Proper Officer may convene an extraordinary meeting of the Council in accordance with the Scheme of Delegation.

4.4.4. The chair of a committee may convene an extraordinary meeting of the committee at any time.

- 4.4.5. If the chair of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee. The public notice giving the time, place and agenda for such a meeting shall be signed by two Councillor members of the committee.
- 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 less 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. **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.**
- 4.5.4. The Council may fix the quorum for committees, sub-committees, advisory panels, and working parties. If the Council does not fix the quorum, the quorum for Committees, advisory Committees, advisory panels, and Working Parties, shall be one third of the membership of the body including at least two Councillors unless the body has no Councillor members. In no case shall a quorum be fewer than three voting members.
- 4.5.5. In the event that a voting member declares a disclosable pecuniary interest in respect of a specific agenda item, such that the meeting ceases to have a quorum, consideration of that item will be deferred to the next meeting, or to such other meeting as may be determined by the Council or the Committee, or in the case of urgency, the Town Clerk.
- 4.5.6. To that end, all voting 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 and 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. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request shall be made before any vote on the question is taken.
- 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:
- i) Motions in respect of the calling of local referenda;
  - ii) Motions in respect of the transfer of assets to control (direct or indirect) of the Council by another body;
  - iii) Motions in respect to strategic documents, business plans, the Neighbourhood Plan, or documents of similar nature;
  - iv) Any motion which results in the rejection of a proposal which has already been ratified by the Council.
- 4.6.4. Voting in committees, advisory committees, advisory panels, and working parties shall be limited to members of the Council unless specified by the Council in advance.

- 4.6.5. Voting at remote, online, or hybrid meetings will be carried out by a clear show of hands, by a roll call of Councillors' names and asking them to state their vote, or by another method of voting should a platform allow it, as determined by the Chair of the meeting. The Town Clerk will read back the votes of each participant for clarification if necessary. Votes will only be listed in the minutes if a recorded vote is properly requisitioned.
- 4.6.6. The Code of Conduct adopted by the Council shall apply to Councillors and to non-Councillors with voting rights in respect of the entirety of meetings.
- 4.6.7. The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.** See Standing Order 2.2.3 and 2.2.4 for provisions in an election year.
- 4.6.8. A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- 4.6.9. A Councillor who is not an assigned member of a committee is entitled to attend and discuss items on the agenda at any non standing committee meeting, but only as a non-voting member, subject to Standing Order 4.8.5.
- 4.6.10. 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.
- 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.
- 4.8. CONFIDENTIALITY WITHIN MEETINGS
- 4.8.1. 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.**
- 4.8.2. Such resolutions shall only be permissible within these Standing Orders where:
- i) 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;
  - ii) 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; or
  - iii) the matter relates to any aspect of employee relations.
- 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 without debate to a meeting of the Personnel Committee, 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 only, and other Councillors and members of the public 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. 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;
- 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.

4.9.2. If the draft minutes of a preceding meeting have been served on Councillors before or with the agenda or summons to attend the meeting at which they are due to be approved for accuracy, and no questions of accuracy have been notified to the Town Clerk in advance of the meeting, they shall be taken as read without debate and signed by the Chair of the meeting.

4.9.3. 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).

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

4.9.5. If the chair of the meeting does not consider the approved minutes to be an accurate record of the meeting to which they relate, they 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*

**4.9.6. 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.**

4.9.7. 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. At each ordinary Council meeting an agenda item of “Representations from Members of the Public” will provide individual members of the public with the

opportunity to address the Council for a period not normally to exceed five minutes at the discretion of the Chair of the meeting, subject to:-

- i) 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);
- ii) Notice given as to the subject of the question or statement to be made;
- iii) 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);
- iv) The total time allocated to public questions and statements not exceeding 30 minutes, except at the discretion of the Chair of the meeting;
- v) There being no requirement on the part of the Council or Councillors to respond to any questions posed.

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 with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

**5.1.8. Subject to Standing Order 5.1.9. 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.**

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

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.

---

<sup>1</sup> for the purposes of Standing Order 5.1.2. iii), 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. TEMPORARY SUSPENSION OF STANDING ORDERS

### 6.1. SUSPENSION OF STANDING ORDERS

- 6.1.1. 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.

## 7. MOTIONS AT MEETINGS

### 7.1. MOTIONS NOT REQUIRING NOTICE

- 7.1.1. Motions in respect of the following matters may be moved without written notice to the Proper Officer:

- i) To correct an inaccuracy in the draft minutes of a meeting;
- ii) To appoint a person to preside at the meeting;
- iii) To alter the order of business on the agenda for reasons of urgency or expediency;
- iv) To put a motion to the vote in relation to any agenda topic;
- v) To refer by formal delegation a matter to a committee, advisory committee or an officer;
- vi) To authorise legal deeds to be signed, or sealed with the Council's common seal, and witnessed;
- vii) To amend a motion;
- viii) To defer consideration of a motion;
- ix) To give leave to withdraw a motion or an amendment;
- x) To defer consideration of a motion and proceed to the next business on the agenda;
- xi) To conduct a consultation with residents who are directly affected by any specific measure;
- xii) To exclude the public and press;
- xiii) To not-hear or eject from the meeting a person for disorderly conduct;
- xiv) To require a written report;
- xv) To extend the time-limits for speaking;
- xvi) To suspend any Standing Order permitted except those which are mandatory by law;
- xvii) To temporarily suspend, close, or adjourn the meeting;
- xviii) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
- xix) To appoint a committee, advisory committee, or working party and their membership and terms of reference.

### 7.2. MOTIONS REQUIRING NOTICE

- 7.2.1. Motions in respect of other matters may not be moved without prior written notice to the Proper Officer:

- i) 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;
- ii) 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 ten clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting;
- iii) The Proper Officer may, before including on the agenda a motion received in accordance with Standing Order 7.2.1. i), correct obvious grammatical or typographical errors in the wording of the motion;

- iv) If the Proper Officer considers the wording of a motion received in accordance with Standing Order 7.2.1. i) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing so that it can be understood to the Proper Officer at least eight clear days before the meeting;
- v) 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;
- vi) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final;
- vii) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### 7.3. RULES OF DEBATE FOR MOTIONS

- 7.3.1. 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.
- 7.3.2. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 7.3.3. Unless moved by the Chair of the meeting, all motions require a proposer and seconder. The Chair at their discretion may require the motion to be provided in writing even if proposed during the meeting.
- 7.3.4. 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.
- 7.3.5. An amendment is a proposal to add or remove words from a motion and shall not rescind or negate the original motion proposed.
- 7.3.6. One motion or amendment will be discussed at a time. Every amendment shall require a seconder before being put to a vote.
- 7.3.7. 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.
- 7.3.8. Members and other permitted contributors will conduct themselves appropriately and respectfully of each other.
- 7.3.9. The proposer of a motion or amendment shall have the right to reply prior to the matter being put to vote.
- 7.3.10. A Member raising a point of order must refer to the specific provision of these Standing Orders in question.
- 7.3.11. When a motion is under debate no other motion shall be moved except the following:
  - i) To amend the motion;
  - ii) To put the motion to the vote;
  - iii) To adjourn the debate and proceed with next business;
  - iv) To refer a motion to a committee or to the Council, as appropriate for consideration;
  - v) To take any actions on exclusion from the meeting.
- 7.3.11. 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 7.3.9.
- 7.3.12. Excluding motions moved under Standing Order 7.3.10, 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.

- 7.3.13. All motions except those listed under 7.1.1 require that written notice of no less than seven clear days be given to the Proper Officer, to allow its inclusion in the Agenda such that it will have public notice.
- 7.3.14. The Proper Officer shall maintain a record of all motions received for a meeting.
- 7.3.15. 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.
- 7.3.16. The Proper Officer, in consultation with the Chair of the meeting, may reject a motion on the basis of:
- i) Lack of clarity or legibility;
  - ii) Irrelevance to the Terms of Reference of the Meeting; or,
  - iii) Unlawful or improper conduct or wording.
- 7.3.17. The decision of the Proper Officer to reject a motion is final. Such decisions will be recorded with reasons listed.
- 7.3.18. The Proper Officer will set out with the Summons for each meeting all notices of motion or recommendation in an order agreed with the Chair of the meeting.
- 7.3.19. 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.
- 7.3.20. Any motion which is not moved during the meeting will be considered withdrawn, and will not be deferred.
- 7.3.21. 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.
- 7.4. DISORDERLY CONDUCT
- 7.4.1. No person including Members shall at a meeting persistently disregard the ruling of the Chair, obstruct business, or behave irregularly, offensively, improperly or, if a Member, in such a manner as to bring the Council into disrepute.
- 7.4.2. If this Standing Order is ignored, the chair of the meeting may request such person(s) to moderate or improve their conduct.
- 7.4.3. If any member is deemed by the Chair to be unfit to take part in proceedings, through the believed use of alcohol or other substances, or other behavioural infirmity they will be asked to leave the meeting and further action may be taken under the Code of Conduct.
- 7.4.4. 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.
- 7.4.5. If a resolution mentioned in this Standing Order is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- 7.4.6. At remote, online, or hybrid meetings given the immediate and potentially highly offensive nature of online abuse any suspected infringement will result in the host muting the feed from the alleged offender, returning them to the waiting room, and reporting the matter to the meeting Chair. The Chair may either direct the host to close the connection to the party concerned if possible, or to readmit them to the meeting. The Chair may issue warnings about behaviour if they see fit. If it is not possible to exclude any contribution or contributor then the meeting may be terminated on the direction of the Chair, and resumed immediately afterwards excluding the party concerned. All those attending the meeting should be mindful that they may be seen, heard, and recorded; they should act in a manner

appropriate to a formal Council meeting (this includes the use of virtual backgrounds and other images on screen); and be mindful that apps can access personal information.

## 8. CONFIDENTIAL MATTERS

### 8.1. HANDLING CONFIDENTIAL INFORMATION

- 8.1.1. 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.
- 8.1.2. 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.
- 8.1.3. Members will ensure that any materials with protective markings of "confidential", "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.
- 8.1.4. 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.
- 8.1.5. 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.
- 8.1.6. In respect of Council employees, only members of the Personnel Committee may, 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. Such 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.

### 8.2. HANDLING STAFF MATTERS

- 8.2.1. A matter personal to a member of staff that is being considered by a meeting of council or the Personnel Committee, or any grievance or disciplinary meeting is subject to Standing Order 8.2.5.
- 8.2.2. 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.
- 8.2.3. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 8.2.2. and 8.2.4. if so justified.
- 8.2.4. Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Town Clerk and/or the Chair of the Council.
- 8.2.5. At any meeting if 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 passed a motion to exclude members of the public and decided whether or not the Town Clerk, or any person employed by the Council present at the meeting, shall be excluded.

### 8.3. INFORMATION SECURITY

- 8.3.1. **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.

- 8.3.2. **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).**
- 8.3.3. **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.**
- 8.3.4. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- 8.3.5. The Proper Officer shall make arrangements for, and may commit and authorize expenditure they consider reasonable for, the safe destruction of paper and electronic records and backups in accordance with this Standing Order subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980).
- 8.3.6. 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:
- i) Using only systems provided by the Town Council for official Council business, except where otherwise agreed with the Proper Officer;
  - ii) Taking due care of those systems, including following instructions from the Proper Officer or contractors appointed by the Council in respect of security and other software updates;
  - iii) Refraining from use of portable media such as USB flash drives;
  - iv) Installation or use of encryption technologies;
  - v) 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.
- 8.4. RESPONSIBILITIES TO PROVIDE INFORMATION
- 8.4.1. **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.**
- 8.4.2. **If gross annual income or expenditure (whichever is the higher) exceeds £200,000, the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- 8.5. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION
- 8.5.1. The Council may appoint a Data Protection Officer.
- 8.5.2. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 8.5.3. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 8.5.4. **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.**
- 8.5.5. **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.**
- 8.5.6. **The Council shall maintain a written record of its processing activities.**

- 8.6. CODE OF CONDUCT AND DECLARATION OF INTERESTS.
- 8.6.1. All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 8.6.2. Suspected breaches of the Code of Conduct will be referred to the Monitoring Officer.
- 8.6.3. The Council will provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement; and may seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- 8.6.4. 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. Such action excludes disqualification or suspension from office.**
- 8.6.5. The Council reserves the right to suspend or permanently remove, by motion at a meeting, any office held by a member or non-member with voting rights, against whom a complaint has been made under the Code of Conduct 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.
- 8.7. DISCLOSURE OF INTERESTS
- 8.7.1. A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- 8.7.2. Councillors with a disclosable pecuniary interest in relation to any item of business being transacted at a meeting must leave the room, chamber, or online meeting room, but may remain in the waiting room.
- 8.8. DISPENSATIONS IN RESPECT OF DISCLOSABLE INTERESTS
- 8.8.1. All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- 8.8.2. Unless granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. The person may return to the meeting after it has considered the matter in which they had the interest.
- 8.8.3. Unless granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- 8.8.4. 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.**
- 8.8.5. A dispensation request shall confirm:
- a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - b. whether the dispensation is required to participate at a meeting in a discussion only, or a discussion and a vote;
  - c. the date of the meeting or the period (up to the date of the next ordinary Council elections) for which the dispensation is sought; and
  - d. an explanation as to why the dispensation is sought.

- 8.8.6. A decision as to whether to grant a dispensation shall be made by the Council and that decision is final.
- 8.8.7. **A dispensation may be granted in accordance with Standing Order 9.3.6 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.**
- 8.9. OTHER RESTRICTIONS ON COUNCILLOR ACTIVITIES
- 8.9.1. No Councillor shall claim to represent the Council without a resolution authorising them to do so.
- 8.9.2. Unless authorised by a resolution of the Council, 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.
- 8.9.3. No Councillor shall represent their personal view in any forum or meeting as the 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. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- 9.1.2. **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 10.1 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).**
- 9.1.3. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services 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.**
- 9.1.4. **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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.**

- 9.1.5. 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, any two Councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
10. EMERGENCY POWERS
- 10.1. DELEGATION OF POWERS IN EMERGENCIES
- 10.1.1. In all cases of emergency or unusual circumstance where the Town Clerk, following consultation with the Chair or Vice Chair, shall deem it expedient, the Town Clerk is authorised and empowered to take all such steps on behalf of the Council and commit or incur any expenditure as they 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.