

Southborough Town Council



STANDING ORDERS

These Standing Orders were adopted by the Council at its meeting held on 26 July 2012, and amended on 30 October 2014 and 27 April 2017

PREFACE

The Town Council will adopt, wherever practicable, the provisions of the Local Government (Access to Information Act) 1985, which apply to County and District Councils. The main effects of this are that:-

- ◆ Papers and reports considered at meetings should be available subject to the statutory requirements stated in Standing Orders.

- ◆ Papers may only be tabled in special circumstances, where decisions are urgent or information is newly available

- ◆ The Council's papers are open to public inspection, except where confidentiality is permitted under the Local Government Act 1972

- ◆ The public may only be excluded from meetings of the Council or its Committees for reasons specified in the Act.

- ◆ Please Note Standing Order 89, which states that any or every part of the Standing Orders except those printed in **BOLD TYPE** may be suspended by resolution in relation to any specific item of business.

Southborough Town Council



STANDING ORDERS FOR THE CONDUCT OF MEETINGS AND CONTRACTS

General Definitions

- (i) Words importing one gender include all other genders and words importing the singular include the plural and vice versa
- (ii) All references to Chairman in these Standing Orders means the Town Mayor, Deputy Town Mayor or whoever is presiding at that Meeting of the Council or Committee.
- (iii) All references to the two main committees in these Standing Orders means the Planning and Transportation Committee, and the Finance and Parks Committee.

1. Meetings

- (a) Meetings of the Council shall be held in the Cumbria Room, Southborough School, Broomhill Park Road, Southborough, Tunbridge Wells, Kent. TN4 0JY at 7.00pm in the evening unless it is agreed between the Chairman and Proper Officer that another venue would be more appropriate.
- (b) The length of Council meetings shall be restricted to two hours after commencement unless a majority of those present by resolution extend the closure time by a maximum of two half hour increments. Each increment must be subject to a separate resolution.

2. The Statutory Annual Meeting

- (a) **In an election year the Annual Town Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
- (b) **In a year which is not an election year the Annual Town Council Meeting shall be held on such a day in May as the Town Council may direct.**
- (c) **In addition to the Statutory Annual Town Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

- (d) **At least three additional meetings shall be held on such days as the Town Council shall determine each year at its annual meeting and on such occasions as the Town Mayor may decide or on the Town Mayor's refusal or failure to call a meeting within seven days of receiving a request from at least two members then a meeting can be convened provided the requisition is signed by not less than two Members.** (Local Government Act 1972. Schedule 12 Part II para 9(2).

3. Chairman of the Meeting

The person presiding at a meeting may exercise all the powers and duties of the chairman in relation to the conduct of the meeting.

4. Proper Officer

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases that person shall be the Town Clerk or nominated officer:-

- (a) To receive Declarations of Acceptance of Office.
- (b) To receive and record notices disclosing interests at meetings
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the Council.
- (e) To receive copies of byelaws made by another local authority
- (f) To certify copies of byelaws made by the Council.
- (g) To sign and issue summons to attend meetings of the Council.
- (h) To sign a precept.
- (i) To apply the Council's Common Seal and sign the sealed document as witness.
- (j) To keep proper records for all Council meetings

5. Quorum of the Council

Six Members shall constitute a quorum at meetings of the Town Council.

6. (a) If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a

declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

- (b) If a quorum of Members of the Council is not present within 15 minutes of the time appointed for the commencement of a meeting of the Town Council, the business shall stand adjourned to the next meeting of the Council.

For a quorum relating to a committee or sub-committee, please refer to Standing Order 45.

7. Minutes of the Town Council

- (a) Minutes shall be taken at every meeting. The Minutes shall show the names of those members present and those who have sent their apologies and shall note the fact of a member arriving after the start or leaving before the end of the meeting
- (b) No record shall be made in the Minutes of any Motion not duly seconded
- (c) No record shall be made in the Minutes of the proposer and seconder of any Motion unless either at that time requests it.
- (d) No record shall be made in the Minutes of any Motion moved under Standing Order 22(m).

8. Voting

Members shall vote by a show of hands or, if at least half of those members present so request, by signed ballot.

- 9. **If a member so requires, the town clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it or abstained. Such a request must be made before the vote is taken.**

- 10. **(1) Subject to (2) and (3) below the chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not the chairman gave an original vote**

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the chairman and vice-chairman until the end of their term in office they may not give an original vote in an election for chairman

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for chairman

11. Order of Business

At each Annual Town Council Meeting the first business shall be:

- (a) **To elect a Town Mayor.**
- (b) **To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (c) **In the ordinary year of election of the council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- (d) **To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Town Council which have not been received as provided by law, shall be received.**
- (e) To elect a Deputy Town Mayor.
- (f) To appoint committees and sub-committees
- (g) To appoint Members of Committees and Sub-Committees.
- (h) To approve the terms of reference of and delegate executive powers to each committee appointed under (f) above.
- (i) To receive the reports of representatives on various statutory bodies and other organisations
- (j) To appoint representatives to serve on various statutory bodies and other outside bodies.

12. At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.

13. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 37 must be read in conjunction with this requirement.

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

- (a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- (c) To deal with business expressly required by statute to be done.**
- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive the Town Mayor's Announcements and to answer any questions from Councillors.
- (f) To consider representations made to the Council from members of the public. (The Chairman of the Meeting will be required to adjourn the meeting during this item of business)
- (g) To receive and consider reports and minutes of committees
- (h) To ratify the orders for payment presented by the Finance and Parks Committee.
- (i) To authorise the sealing of documents, if any.
- (j) Any other business specified in the summons.

15. Urgent Business

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

- (a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) Shall be put to the vote without discussion.

16. Resolutions Moved on Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least seven clear working days before the next Meeting of the Council.

- 17. The Town Clerk shall date and file every notice of resolution or recommendation when received by him and the file shall be open to the inspection of every member of the Council.

18. The Town Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
19. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
20. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine to report; provided that the Chairman if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
21. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

22. Resolutions Moved without Notice

Resolutions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chairman of the meeting
- (b) To correct the minutes
- (c) To approve the minutes
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate
- (g) To refer a matter to a committee
- (h) To appoint a committee or any member(s) thereof
- (i) To adopt a report
- (j) To authorise the sealing of documents
- (k) To amend a motion
- (l) To give leave to withdraw a resolution or amendment
- (m) To extend the limit for speeches
- (n) To exclude the public and press. (See Standing Order 77 below)
- (o) To silence or eject from the meeting a member named for misconduct. (See Standing Order 32 below)
- (p) To give the consent of the Council where such consent is required by these Standing Orders
- (q) To suspend any Standing Order (See Standing Order 87 below)
- (r) To adjourn the meeting

23. Questions

A member may ask the Chairman or the Town Clerk any question concerning the business of the Council.

24. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
25. Every question shall be put and answered without discussion.
26. A person to whom a question has been put may decline to answer.

27. Rules of Debate

No discussion shall take place upon the Council Minutes except upon their accuracy. Corrections to the Council Minutes shall be made by resolution and must be initialled by the Chairman.

28. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the Chairman, be produced in writing and handed to him before it is further discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed three minutes except by consent of the Council or Committee
- (e) An amendment shall be either:
 - (i) To leave out words.
 - (ii) To leave out words and insert others.
 - (iii) To insert or add words.
- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes, but shall not introduce any new matter into the reply.

- (j) A member, other than the mover of a resolution, shall not, without leave of the Council speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - (k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
 - (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - (m) When a resolution is under debate no other resolution shall be moved except the following:-
 - (i) To amend the resolution
 - (ii) To proceed to next business
 - (iii) To adjourn the debate
 - (iv) That the question be now put
 - (v) That a member named be not further heard
 - (vi) That a member named do leave the meeting
 - (vii) That the resolution be referred to a Committee
 - (viii) To exclude the public and press
 - (ix) To adjourn the meeting
29. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
30. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed
- (b) Members shall address the Chairman. If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats
- (c) Whenever the Chairman rises during a debate all other members shall be seated and silent

31. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such a motion is seconded the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the

question be now put” is carried, he shall call upon the mover to exercise or waive his right to reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

32. Disorderly Conduct

- (a) **All members must observe the Code of Conduct which was adopted by the Town Council on 1 July 2012, a copy of which is annexed to these Standing Orders.**
- (b) No members shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may be reasonably necessary to enforce them.

33. Right of Reply

The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

34. Alterations of Resolution

A member may, with the consent of the seconder, move amendments to their own resolution.

35. Rescission of Previous Resolutions

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least six members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

- (b) When a special resolution moved under the provision of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.
- (c) This Order shall not apply:
 - (i) To any resolution which immediately concerns the abatement of a nuisance
 - (ii) To any resolution which any Government Department shall request the Council to consider or reconsider
 - (iii) To any motion to dissolve or alter the membership of a committee.

36. Voting on Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

37. Discussions and Resolutions Affecting Employees of The Council

If 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 resolved to exclude the public and the press. *(See Standing Order No 76)*

38. Expenditure

Orders for the payment of money shall be authorised by resolution of the Finance and Parks Committee, signed by two members and ratified by resolution of the Council.

39. Sealing of Documents

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by Resolution.
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of two members who shall sign the document as witnesses

40. Committees and Sub-Committees

The Council may at the Annual Town Council Meeting appoint standing committees and may at any other time appoint such committees as are necessary, but subject to any statutory provision in that behalf:-

- (a) Shall not appoint any member of a committee so as to hold office later than the next Annual Town Council Meeting
 - (b) May appoint persons other than members of the Council to any committee in a non-voting capacity, and
 - (c) May, subject to the provisions of the Order 35 above at any time dissolve or alter the membership of a committee.
 - (d) The co-option of County and Borough Councillors at the annual Town Meeting saves the necessity of co-option on every occasion that the Borough or County Councillors are requested to speak on specific subjects under discussion by the Town Council. They are not entitled to speak during normal Town Council discussions unless by invitation of the Chairman subject to (b) above.
41. The Town Mayor and Deputy Town Mayor may be members of every Standing Committee and may be ex-officio members of every sub-committee or group unless otherwise appointed to that sub-committee or group.
42. The two main Committees of the Council shall meet as directed by the Town Council and shall commence at 7.00 p.m. unless otherwise approved by the Chairman of that committee and the Proper Officer previously. All other Committees and Sub-Committees shall meet as agreed by Members of that Committee/Sub-Committee and the appropriate notice shall be given. The length of Committee meetings shall be restricted to two hours after commencement unless a majority of those present by resolution extend the closure time by a maximum of two half hour increments. Each increment must be subject to a separate resolution.
43. Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
44. Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a main committee shall be four of its members and the quorum of a sub-committee shall be three of its members.
45. If the quorum of the Committee or Sub-Committee is not present within 15 minutes of the time appointed for the commencement of a meeting

of a Committee or Sub-Committee, the business shall stand adjourned to the next meeting of the Committee or Sub-Committee. (Standing Order 44)

46. Special Meetings

(a) The Chairman of the Council may convene an extraordinary meeting of the council at any time.

(b) If the Chairman of the Council does not or refuses to 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 must be signed by the two councillors.

47. Sub-Committees

Every Committee may appoint sub-committees for purposes to be specified by the Committee.

48. The Chairman and Vice-Chairman of the Committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interest of members in contracts and other matters shall apply to committee and sub-committee meetings.

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

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

(b) Shall be put to the vote without discussion.

51. When a Committee or Sub-Committee is to receive a Deputation and if the matter concerning which a Deputation wishes to be heard solely concerns any particular Ward, the Members of the Council for that Ward shall be invited by the Town Clerk to attend the Committee Meeting at which the memorandum is to be considered or the Deputation received.

52. The Town Mayor or, in his absence, the Deputy Town Mayor, be authorised to approve immediate action being taken upon any recommendation of a Main Committee where it is considered by the majority of the members of that Committee present and voting that

such executive action is essential in the interest of effective administration.

53. If at a Meeting of a Committee four of its members then present shall request with respect to any particular matter then before the Meeting that the executive power (if any) delegated to that Committee or Sub-Committee shall not be exercised with respect to that matter, then the Committee or Sub-Committee shall not do so but shall make a recommendation thereon; provided that, if the number of members of the Committee or Sub-Committee shall be less than four then a request by two members shall be sufficient for the purpose of this Standing Order.
54. If in any report on a Committee or Sub-Committee there is recorded a matter about which that Committee has dealt with under executive powers delegated to it by the Town Council, that part of the report shall be side-lined and shall not be open for debate at the Town Council meeting, except that an explanation of the wording may be sought or that a motion may be moved to alter the words if those recorded do not accurately report the decision taken.

55. Advisory Committees

- (a) The Council may create advisory committees, whose name, and numbers of members and the bodies to be invited to nominate members shall be specified.
- (b) The Clerk shall inform the members of each advisory committee of the Terms of Reference of that committee
- (c) An advisory committee may make recommendations and give notice thereof to the Council
- (d) An advisory Committee may consist wholly or partly of persons who are not members of the Council

56. Voting in Committees

Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

57. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

58. Presence of Non-Members of Committees at Committee Meetings

- (a) All members of the Council shall be provided with a copy of each Committee Agenda.

- (b) A member who has proposed a resolution which has been referred to any committee of which he is not a member, may present his resolution to the committee but shall not vote.
- (c) Any member shall, unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee of which that person is not a member. At the discretion of the Chairman of the meeting such a member may be permitted to speak on any matter but shall not be permitted to vote.

59. Public Open Session

- (a) Council will set aside a period not exceeding thirty minutes at each Town Council meeting to enable members of the public to make representations to the Council on any matters of concern. Twenty Four hours notice will need to be given by a member of the public of their intention to speak.
- (b) At each Committee Meeting there will be provision for members of the public to make representations to the Committees on any matter relating to that committee.
- (c) No representations by or on behalf of an individual shall exceed five minutes except by resolution of the Council or Committee.
- (d) Members of the Council may raise issues or make representation to the Committees regarding items of interest or concern that do not appear on the agenda during Public Open Session.

60. Accounts and Financial Statement

- (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Finance and Parks Committee and ratified by Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Finance and Parks Committee or Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the Clerk if different. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Mayor or Deputy Mayor of the Council.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Finance and Parks Committee and ratified by Council.

61. The Responsible Financial Officer shall supply to each member as soon as is practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of June.

62. Estimates and Precepts

- (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of December.
- (b) Any committee desiring to incur expenditure shall, not later than September, give to the Town Clerk a written estimate of the expenditure recommended for the coming year.

63. Interests

A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:

- (a) disclose the interest; and
- (b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to no. 68 below); and unless they have been granted a dispensation:
- (c) not participate in any discussion of, or vote taken on, the matter at the meeting; and
- (d) withdraw from the meeting room whenever it becomes apparent that the business is being considered; and
- (e) not seek improperly to influence a decision about that business.

64. A Member with an Other Significant interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.

65. Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with paragraph 1. of this Standing

Order), chooses to participate in the discussion and vote, the Chairman will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all. The Chairman may apply the rules in Council Standing Order No 32 relating to 'disorderly conduct'.

66. The Chairman may request that a Member declare a Disclosable Pecuniary Interest or an Other Significant Interest and, if appropriate, leave the meeting room, should they have reason to believe that the provisions of the Code of Conduct and/or this Standing Order are being breached.
67. Where a Disclosable Pecuniary Interest or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.
68. **The Town Clerk shall compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute**
69. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed Standing Orders 69 and 70 shall apply as appropriate.
70. The Town Clerk shall make known the purposes of Standing Order 69 to every candidate.
71. Canvassing of and Recommendations by Members
 - (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
 - (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidates ability, experience or character for submission to the Council with an application for appointment.

72. Standing Orders Nos. 69 and 71 shall apply to tenders as if the person making the tender were a candidate for an appointment.

73. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

74. (a) **All minutes kept by the Council and by any committee shall be open for inspection of any member of the Council.**

(b) **All minutes kept by the Council and by any committee except those of a confidential nature shall be open for inspection of any elector.**

75. Unauthorised Activities

No member of the Council or of any committee or sub-committee shall in name of or on behalf of the Council

(a) Inspect any lands or premises which the council has a right or duty to inspect; or

(b) Issue orders, instructions or directions to staff of the Town Council whether paid or unpaid; or

(c) Make representations on behalf of the Council

unless authorised to do so by the Council or the relevant committee or sub-committee.

76. Any representation or written response made by a member of the Council on behalf of the Council must provide a copy of that representation to the Town Clerk to be kept on record for future reference.

77. Staff

(a) All employees and volunteers working for Southborough Town Council whether paid or unpaid are under the disciplinary control of the Town Clerk.

(b) The Disciplinary Procedure for the Town Clerk will be in the first instance the Town Mayor or, in his absence, the Deputy Town Mayor.

78. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the council and its committees and sub-committees, which may, however, temporarily exclude the public and press by means of the following resolution:

“That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw.”

79. The Council, committee and sub-committee shall state the special reason for exclusion

80. The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the Council or its committees but otherwise may:

- (a) film, photograph or make an audio recording of a meeting;
- (b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it take 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

81. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

82. Confidential Business

(a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

(b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

83. Liaison with County and Borough Councillors

A summons and agenda for each meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the Borough Councillors for the borough wards who are not members of the Town Council.

84. Planning Applications

- (a) The Town Clerk shall record on the Planning and Transportation Committee agenda the following particulars of every planning application notified to the Council:-
 - (i) The date on which it was received
 - (ii) The place to which it relates
 - (iii) A summary of the nature of the application
- (b) The Town Clerk shall refer every planning application to the Members of the Planning and Transportation Committee by means of the Committee agenda.

85. Standing Orders on Contracts

- (a) Every contract made by the Council or by a Committee to which the power of making contracts shall have been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a Committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to the following items:-
 - (i) for the supply of gas electricity water sewerage and telephone services
 - (ii) for specialist services such as are provided by solicitors surveyors and planning consultants
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council
 - (v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price
- (b) Where it is intended to enter into a contract exceeding £50,000 for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are expected as set out in paragraph (a) the Town Clerk shall invite tenders from at least three firms such firms to be taken from the appropriate approved list. For a contract exceeding £3,000 but less than £50,000 the Town Clerk shall invite quotations from at least three firms.

- (c) For expenditure of £3,000 or less in value the Chairman of the Spending Committee or his appointed vice-chairman together with the Town Clerk or his duly appointed deputy shall have executive power.
- (d) When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (e) Every exception made by a committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
- (f) Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk and the last date by which such tenders should reach the Town Clerk in the ordinary course of post.
- (g) Tenders shall be opened by the Town Clerk or, in his absence by a delegated officer (who shall keep the specific details confidential until reported to the Council), and shall be reported by the Town Clerk or delegated officer to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- (h) Neither the Council nor any committee, or sub-committee, is bound to accept the lowest tender subject to the spirit of the guidelines pertaining to value for money being observed.
- (i) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (j) An invitation to tender issued under this Standing Order shall contain a statement of the effect of Standing Orders Nos. 67 and 69.
- (k) The Council or Committee is not bound to accept the lowest tender, estimate or quotation in the interest of Best Value
- (l) **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..

86. Financial Regulations

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

87. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board of England for consideration.

88. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **BOLD TYPE** may be suspended by resolution in relation to any specific item of business.

89. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

90. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to him of the member's Declaration of Acceptance of Office and Written Undertaking to observe the Code of Conduct adopted by the Council.