

# DUNSTABLE TOWN COUNCIL

## CONSTITUTION, STANDING ORDERS AND DELEGATION TO COMMITTEES AND OFFICERS

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# CONSTITUTION

## **Title and Area**

The Council shall be called the Dunstable Town Council and operate in the area specified in the South Bedfordshire (Parishes) Order 1985, Order setting up the Parish Council or in any subsequent amendment.

## **Definitions**

Unless the sense suggests otherwise any reference to "Council" or "the Council" means the Dunstable Town Council or Meeting (as appropriate) and any reference to "the Town Clerk and Chief Executive" means the Clerk of the Council. The expression "Town Mayor" or "Mayor" means Chairman of the Council. Any reference to "he" or "him" in this document shall include "she" and "her".

## **Functions**

The functions of the Council shall be:

- (a) To exercise such powers and duties as are laid upon it by these rules.
- (b) To exercise such powers and duties as are laid upon it by statute.
- (c) To exercise such powers and duties as are laid upon it by delegation from the Central Bedfordshire Council.
- (d) To protect, enhance and promote the environment of the area of the Parish.
- (e) To protect, enhance and promote the collective interests and well-being of the residents of the Parish of Dunstable.
- (f) To make representations to Central Bedfordshire Council, and any other Statutory Body or Public Utility on matters affecting the residents of Dunstable Parish.
- (g) To stimulate and foster support for approved policies of the Council.

## **The Council**

- (a) The Council shall consist of:
  - (i) 18 Members elected by the electors of the Parish of Dunstable or such other number as may be specified by the District Council which shall not be less than five
  - (ii) Such co-opted Members as the Council may determine.

- (b) For the purposes of the election referred to in (a(i)) above the area of the Council shall be divided into five wards each electing Members as specified below:

Central Ward	2 Members
East Ward	5 Members
North Ward	4 Members
South Ward	2 Members
West Ward	5 Members

- (c) All Councillors shall retire together in every ordinary year of election of such Councillors on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire.

**Financial and Administrative Year**

The Financial and Administrative year of the Council shall be in the period commencing on the first day of April and ending on the thirty-first day of March in the following year.

## STANDING ORDERS

### 1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

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

- u Members shall address the Chair of the meeting.
- v No discussion shall take place upon the Minutes except upon their accuracy.
- w Any Member wishing to refer to, or present a document (letter, photograph, sketch, etc) to Council or one of its Committees, should notify and make a copy available to the Chair of the relevant Committee at least three days prior to the relevant meeting. The Chair, in consultation with the Town Clerk and Chief Executive, will then verify the appropriateness of the document, in preparation for submission at the relevant meeting.
- x Members who cannot attend Council or a Committee Meeting physically may attend virtually where this is possible, and may be allowed to speak by the Chair. They may not vote, and they may not formally make a motion, propose an amendment to a motion or raise a point of order. They will not be counted as present for the purpose of deciding whether the meeting is quorate. They will also not count as present for the purpose of calculating attendance in regard of Section 85(1) of the Local Government Act 1972.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **3. MEETINGS GENERALLY**

- a **Meetings shall take place in Grove House.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Members of the public may, at the discretion of the Chair of the meeting, raise any issue relevant to the town at a meeting of the Full Council.
- f Questions and representations from the public at all meetings of the Council or its Committees do not require notice, however members of the public are requested to give notice of questions to the Town Clerk and Chief Executive in writing a minimum of three working days prior to the date of the meeting to enable full responses to be prepared before the meeting. Where a question is asked without notice, a written reply will be provided within three working days.
- g The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the Chair of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than five minutes.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- j At a full Council meeting a person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chair of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- m **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the**



**meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

- n A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- o 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.**
- p Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- q The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- r 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.**
- s The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

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

- t 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- u 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.
- v **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 their right to participate and vote on that matter.**
- w **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.**  
  
*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*
- x **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.
- y A meeting shall not exceed a period of two and half hours unless Members resolve to proceed for longer.

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee; providing that no Member of a committee may hold office later than the next Annual Meeting.
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Town Clerk & Chief Executive
- vi. days before the meeting that they are unable to attend;
- vii. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- viii. shall permit each committee to elect its own Vice-Chair, during the Annual Meeting of the Council;
- ix. the Mayor and Deputy Mayor shall be members of every standing committee;
- x. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be one half of its members and no less than three;
- xi. shall determine if the public may participate at a meeting of a committee;
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on a week Monday following ordinary day of elections to the council.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on the third Monday in May.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least five other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair (who is the Town Mayor) and Vice-Chair (who is the Deputy Town Mayor) of the Council.**

- f **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of representation on or work with external bodies and arrangements for reporting back;
  - xi. 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;

- xii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## **7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Town Clerk & Chief Executive in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

by the Chair of the meeting.

**9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE TOWN CLERK & CHIEF EXECUTIVE**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Town Clerk & Chief Executive at least five clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Town Clerk & Chief Executive may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Town Clerk & Chief Executive considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Town Clerk & Chief Executive at least five clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Town Clerk & Chief Executive shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Town Clerk & Chief Executive as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Town Clerk & Chief Executive of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;

- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## **11. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this**

**is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **12. DRAFT MINUTES**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, 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.”

- e The Council shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **13. CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 3(u).*



- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they has 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.
- d **Dispensation requests shall be in writing and submitted to the Town Clerk & Chief Executive** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Town Clerk & Chief Executive before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**

- iii. **it is otherwise appropriate to grant a dispensation.**

#### **14. CODE OF CONDUCT COMPLAINTS**

- a The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- b **Upon notification by Central Bedfordshire Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**
- c Upon notification by Central Bedfordshire Council that it is dealing with a complaint made by the Town Clerk & Chief Executive that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Town Clerk & Chief Executive shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Town Clerk & Chief Executive in relation to the complaint until it has been determined.

## 15. PROPER OFFICER

- a The Proper Officer shall be either the Town Clerk & Chief Executive or in their absence the appropriate Head of Service.
- b The Town Clerk & Chief Executive shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Town Clerk & Chief Executive thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least four days before the meeting confirming their withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their 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. Provide a link from the Council's website to each Member's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- xi. arrange for legal deeds to be executed;  
(see also *standing order 23*);
  - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
  - xiii. record every planning application notified to the Council and the Council's response to the local planning authority;
  - xiv. refer a planning application received by the Council to the [Chair or in their absence the Vice-Chair of the Plans Sub-Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Plans Sub-Committee];
  - xv. manage access to information about the Council via the publication scheme; and
- c The following powers shall be delegated to the Town Clerk and Chief Executive or in their absence the appropriate Head of Service.
- i. Grant or refusal of applications for Exclusive Rights of Burial, interment of human or cremated remains and erection of memorials at Dunstable Cemetery within the policies prescribed by the Council.
  - ii. Incurring all items of expenditure included within the approved budget for the relevant year except where an item is expressly excluded in the budget and subject to compliance with Standing Orders with respect to contracts and to Financial Regulations.
  - iii. Grant or refusal of applications to hire Council premises, sports facilities or facilities managed by the Council within the policies prescribed by the Council.

## **16. RESPONSIBLE FINANCIAL OFFICER**

- a The Town Clerk and Chief Executive shall act for the Responsible Financial Officer when they are absent. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when both the Responsible Financial Officer and Town Clerk and Chief Executive are absent.

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

- c As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council’s income and expenditure for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- d The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **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 referred to in standing order 18(f) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it**

**proposes to use an existing list of approved suppliers (framework agreement).**

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope or email addressed to the Proper Officer;
  - v. tenders shall be opened by the Town Clerk & Chief Executive in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

## **19. HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of the Personnel Sub-Committee is subject to standing order 11 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel Sub-Committee or, if they are not available, the Vice-Chair of the Personnel Sub-Committee of absence occasioned by illness or other reason.
- c. Subject to the Council's policy regarding the handling of grievance matters, if an

informal or formal grievance matter raised by the Town Clerk & Chief Executive relates to the Chair or Vice-Chair of the Personnel Sub-Committee, this shall be communicated to another member of the Personnel Sub-Committee which shall be reported back and progressed by resolution of the Grievance Committee.

- d 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.
- e In accordance with Standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in Standing order 19(f).

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

**The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*See also standing order 11.*

- a The Council will appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**

- f **The Council shall maintain a written record of its processing activities.**

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

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

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

*See also standing orders 15(b)(xii) and (xvii).*

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

**Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Town Clerk & Chief Executive shall witness their signatures.**

## **24. COMMUNICATING WITH CENTRAL BEDFORDSHIRE COUNCILLORS**

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

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.



## **26. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Town Clerk & Chief Executive in accordance with standing order 9.
- c The Town Clerk & Chief Executive shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

## **27. Delegation to Committees**

- a Except as mentioned below, each Committee shall exercise on behalf of the Council the functions assigned to it as set out below. Committees are not bound to exercise delegated powers and may at their discretion refer matters to the Council for decisions. Each Committee is required to submit to the Council a report of its proceedings since the previous meeting of the Council.
- b **Delegation - Exceptions**
  - I. The borrowing of money
  - II. The levying of a rate
  - III. The disposal of land, other than lettings for two years or less
  - IV. The introduction of new major policy or a change in the Council's established policy
  - V. The making of byelaws
  - VI. The purchase of land not provided for, or at a cost in excess of a sum allowed in any approved capital works.

## **28. Sub-Committees**

- a Committees may, subject to the concurrence of the Council, appoint Sub-Committees and (subject to the foregoing exceptions) such of the Committees' powers and duties as

the Council may resolve, may be delegated to Sub-Committees. Each Sub-Committee is required to submit to the main Committee a report of its proceedings since the previous meeting of the Committee.

*The following powers shall be delegated to the Committee indicated:*

## **29. Finance and General Purposes Committee**

(12 Members plus the Town and Deputy Town Mayor)

- a To make decisions on overall Council policy
- b Without detracting from the duties and responsibilities of the other Committees, to review the effectiveness of the whole of the Council's organisation, its standards and levels of service.
- c To consider and approve corporate arrangements for risk management.
- d To control the policies of all Committees and, where appropriate, to make recommendations thereon to the Council.
- e To consider and make decisions on any matters referred to it by the Council or other Committees.
- f To determine all matters relating to financial issues and to recommend annual revenue and capital budgets to Council.
- g To advise the Council on the regulation and control of the Council's finances; including in particular the financial implications and funding of any capital works.
- h To control the collection of revenues of the Council and to write off irrecoverable amounts.
- i To determine policy regarding insurances.
- j To receive auditors' reports and make decisions as to any policy matters raised thereby or arising therefrom.
- k To make decisions regarding town twinning, hospitality, civic and public relations activities and any applications for grant aid.
- l To advise on the making of any byelaws not specifically the responsibility of any other Committee or District Council.
- m To make decisions on all matters relating to all staff including proposals for additional staff to the Council's establishment. The appointment of the Town Clerk and Chief Executive is the responsibility of the Council.
- n To make recommendations to the Council on the conduct of its own business - including Standing Orders, Committee organisation and membership and calendar of meetings.

- o To make decisions on all matters relating to the Council's premises including the determination of applications to use any of the facilities therein.
- p To make decisions on any matters not specifically allocated to another Committee.
- q To make decisions on all matters relating to Fire and Rescue Service, Trading Standards and Action Points falling to the Council by special arrangement with Central Bedfordshire Council.

### **30. Grounds and Environmental Services Committee**

(10 Members plus the Town and Deputy Town Mayor)

- a To determine all matters relating to highways, footpaths and bridleways.
- b To respond, on behalf of the Council, to the proposals of other authorities relating to transportation and car parking issues, including traffic regulation orders.
- c To determine all matters relating to the provision and maintenance of, bus shelters.
- d To determine all matters relating to the provision and day to day running of allotments/leisure gardens, parks, recreation grounds, open spaces and play areas in the control of the Council.
- e To determine all issues relating to the management and maintenance of Dunstable Cemetery.
- f To consider all Planning Applications within the Parish submitted to Central Bedfordshire Council and subsequently advise the District Planning Authority of the Town Council's views.
- g This function has in turn been delegated to the Plans Sub-Committee).
- h To consider any local plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders.
- i To consider all matters relating to the physical environment of the town, including litter and dog control, re-cycling of waste materials and liaising with local interest groups on such issues.
- j To assemble and submit to the Finance and General Purposes Committee an income and expenditure budget for each financial year in respect of all the services of this Committee.
- k To determine all matters relating to the Council's management of Creasey Park Community Football Centre and the associated management contract with Central Bedfordshire Council.

### **31. Plans Sub-Committee**

- a This Sub-Committee will report directly to the Grounds and Environmental Services Committee and will comprise 7 Members consisting of the Chairmen of the Grounds and Environmental Services Committee plus a representative from each of Dunstable's 5 constituent wards. Any Councillor may act as a substitute for this Sub-Committee.
- b To consider all Planning Applications within the Parish submitted to the Central Bedfordshire Council and subsequently advise the District Planning Authority of the Town Council's views.
- c To comment, on behalf of the Town Council, on any traffic regulation proposals or other urgent matters proposed by Central Bedfordshire Council.
- d Any Member of the Council may act as a substitute member and attend, speak and vote at meetings of this Sub-Committee.

### **32. Community Services Committee**

(10 Members plus the Town and Deputy Town Mayor)

- a To determine all issues relating to the management and maintenance of the Peter Newton Pavilion and Downside Community Centre, 'Grove Corner' (Youth and Community Centre) and the Mayfield Centre.
- b To determine all matters relating to the Council's approach to delivering services to young people.
- c To determine all matters relating to the delivery of the Council's holiday activities programme.
- d To keep under review the need for additional community facilities and to make recommendations as to how to satisfy such need.
- e To assemble and submit to the Finance and General Purposes Committee an income and expenditure budget for each financial year in respect of all the services of this Committee.
- f To be responsible for all matters relating to the Council's approach to community safety and involvement in the Central Bedfordshire Community Safety Partnership and to liaise with Bedfordshire Police concerning community policing issues in respect of Dunstable.
- g To liaise with local voluntary organisations on the development of voluntary services.
- h To determine all issues relating to the management of the Older People's Day Care Services to the standard agreed in the Council's contract with Central Bedfordshire Council.
- i To determine all matters relating to the Council's annual events programme.

- j To determine all matters relating to Priory House
- k To determine all matters relating to the Council's provision of Christmas lighting in the town centre.
- l To determine all matters relating to the management of Dunstable Market.
- m To determine all matters relating to the Council's management of Ashton Square Public Conveniences and the associated lease arrangement for the premises with Central Bedfordshire Council.

### **33. Personnel Sub-Committee**

- a This Sub-Committee will report directly to the Finance and General Purposes Committee and will comprise 7 members consisting of the Chairman of Finance and General Purposes Committee plus 6 other members
- b To consider and make recommendations to the Finance and General Purposes Committee issues concerning the employment and terms and conditions of all staff.
- c To consider and make recommendations to the Finance and General Purposes Committee on issues concerning Council personnel policy.
- d To determine the successful nominee for the Quarterly Staff Award Scheme.

### **34. Appeals and Appointments Committee**

- a This Sub-Committee will report directly to the Finance and General Purposes Committee for the purposes of (i) below and will have full decision-making powers for the purposes of (c) below. The Sub-Committee will comprise 6 Members consisting of the 3 standing committee chairmen, the Town Mayor, the Deputy Mayor and a Vice-Chairman (Chairmen if roles are duplicated) from one or more of the other standing committees.
- b To report to the Finance and General Purposes Committee on all matters relating to the Council's appeals procedures and to make recommendations on appointments for Service Heads and the Town Clerk and Chief Executive.
- c To consider and agree any amendments to the Councils Senior Management Team's terms and conditions of employment that may arise from time to time.

### **35. Dunstable Joint Committee**

- a Comprising 5 Town Councillors (the Town Mayor, Deputy Town Mayor and Chairmen of

Standing Committees) and 5 Central Bedfordshire Councillors plus such other co-opted non-voting advisors as determined by the Committee. This Committee will report directly to the Council and named substitutes will be permitted as full Committee Members.

b

- (i) To serve as a partnership forum for all those involved in town wide initiatives to consult with each other and co-ordinate their activities so as to realise their aspirations for the town.
- (ii) To set the broad direction of the partnership, taking into account the needs of the town's customers, employees, residents, visitors, traders, property owners and developers. This includes devising and updating a recommended Joint Committee Action Plan, for approval by the Council.
- iii) To inform and advise the relevant committees of the local authority/authorities on all aspects of their responsibilities for the town and its environs.
- (iv) To co-ordinate the activities of the various town wide service providers and those responsible for meeting the needs of the town centre.
- (v) To undertake and co-ordinate marketing and promotional work for the town.
- (vi) To seek funding opportunities for the furtherance of town wide initiatives and determine an annual spend programme for the Committee from funds identified by Central Bedfordshire Council and Dunstable Town Council.
- vii) The Council shall identify named substitutes for this Committee at its Annual General Meeting.

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The foregoing Constitution, Rules and Standing Orders were approved by the Council on 26 June 2023. (Minute 156/23)