

DUNSTABLE TOWN COUNCIL

**CONSTITUTION,
STANDING ORDERS
AND
DELEGATION TO COMMITTEES AND OFFICERS
CODE OF CONDUCT**

September 2014



**DUNSTABLE
TOWN COUNCIL**

DUNSTABLE TOWN COUNCIL

CONSTITUTION, STANDING ORDERS AND DELEGATION TO COMMITTEES AND OFFICERS

1. 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.

2. 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".

3. 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.

4. Constitution

- (a) The Council shall consist of:
 - (i) 21 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 | 3 Members |
| Icknield Ward | 5 Members |
| Manshead Ward | 3 Members |
| Northfields Ward | 5 Members |
| Watling 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.

5. **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.

6. **Meetings of the Council**

- (a) Meetings of the Council shall be held at Grove House, 76 High Street North, Dunstable commencing at 7.00pm unless otherwise determined.
- (b) The Statutory Annual Meeting of the Council will be held on the third Monday in May of each year save other than in an election year when it will be held a week Monday following the ordinary day of elections to the Council.
- (c) Ordinary meetings of the Council will be held on Mondays as determined annually by the Council and subject to at least a total of five meetings being held in any administrative year.
- (d) An extraordinary meeting of the Council may be called at any time by the Town Mayor.
- (e) If the Town Mayor refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by two Members of the Council, has been presented to him, or if, without so refusing, the Town Mayor does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two Members of the Council, on that refusal or on the expiration of these seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.
- (f) Three clear days at least before a meeting of the Council:
- (i) Notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the Parish and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting; and

- (ii) A Summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at, or sent by post to, the usual place of residence of every Member of the Council.
- (g) Meetings of the Council and its Committees shall be mandatorily adjourned after two and a half hours unless the Members resolve to either an earlier or later adjournment.

7. **Chairman of Council Meeting**

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

8. **Proper Officer**

Where a Statute, Regulation or Order confers functions or duties on the Proper Officer of the Council in the following cases, he shall be the Town Clerk and Chief Executive.

- (a) To receive Declarations of Acceptance of Office
- (b) To receive and record notices disclosing pecuniary interests
- (c) To receive and retain plans and documents
- (d) To sign notices and other documents on behalf of the Council
- (e) To receive copies of Bylaws made by the District Council
- (f) To certify copies of Bylaws made by the Council
- (g) To sign summonses to attend meetings of the Council or its Committees
- (h) In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Town Clerk and Chief Executive.

9. **Quorum**

- (a) A quorum of the Council shall be one third of the Members.
- (b) If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or at such other time as the Town Mayor may arrange.

10. **Voting at Council Meetings**

- (a) Members shall vote by a show of hands, or if at least two Members so request, by signed ballot except in the election of the Mayor and Deputy Mayor of the Council which shall be by secret ballot.

- (b) If a Member so requires, the Town Clerk and Chief Executive shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- (c) Subject to (d) and (e) below the Mayor 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 even though he gave no original vote.
- (d) Subject to (e) below the Mayor may not give an original vote in the election for the Office of Town Mayor on any occasion when he will himself immediately after such an election retire from the Council.
- (e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Town Mayor.

11. Order of Business

Annual Meeting of the Council

(NB: In an election year Councillors should execute Declarations of Acceptance of Office in the presence of each other, or in the presence of the Town Clerk and Chief Executive or his nominated Deputy, before the Annual Meeting commences. For this purpose Councillors should convene at least 15 minutes before the commencement of the Annual Meeting.)

- (a) At each Annual Meeting the first business shall be:
 - (i) To elect a Town Mayor
 - (ii) To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received
 - (iii) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
 - (iv) To receive a report on the membership of the Council and Declarations of Acceptance of Office (election year only)
 - (v) To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received
 - (vi) To elect a Deputy Mayor of the Council
 - (vii) To receive the Deputy Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received
 - (viii) To appoint Members to the Standing Committees of the Council
 - (ix) To appoint the Chairmen and Vice Chairmen of the Standing Committees, if so decided, and the Chairman of any other committee that may be appointed, should the Council so decide

- (x) To appoint representatives to other organisations
- (xi) Such other business as specified in the agenda for the meeting.

Ordinary Council Meetings

- (b) At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such Declarations of Acceptance of Office (if any) as are required by law to be made or if not then received to decide when they shall be received.
- (c) In every year, not later than the meeting at which the budget for next year is settled, the Council shall review the pay and conditions of service of existing employees.
- (d) 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:
 - (i) To approve the signing of the Minutes of the previous meeting, by the presiding Chairman, as a correct record.
 - (ii) To hear representations from the public
 - (iii) To consider questions from members under Standing Order 16
 - (iv) To deal with business expressly required by Statute to be done
 - (v) To consider reports of committees
 - (vi) To consider any reports from officers
 - (vii) To consider motions, notice of which has been given in the summons
 - (viii) Any other business specified in the summons
- (e) A motion to vary the order of business on the grounds of urgency
 - (i) May be proposed by the Mayor or by any Member and, if proposed by the Mayor may be put to the vote without being seconded, and
 - (ii) Shall be put to the vote without discussion.

12. Election of Town Mayor and Deputy Mayor

- (a) The Town Mayor shall be elected annually from among the Councillors.
- (b) The election of the Town Mayor shall be the first business transacted at the Annual Meeting of the Council and if, apart from paragraph (h), the person presiding at the meeting would have ceased to be a member of the Council he shall not be entitled to vote in the election except in accordance with paragraph (c).

- (c) In the case of an equality of votes in the election of a Mayor the person presiding at the meeting shall give a casting vote in addition to any vote he may have.
- (d) The Mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Mayor.
- (e) The Council may pay the Mayor for the purpose of enabling him to meet the expenses of his Office such allowance as the Council thinks reasonable.
- (f) The Council shall appoint a Member of the Council to be Deputy Mayor of the Council.
- (h) During their term of office the Mayor and Deputy Town Mayor shall continue to be Members of the Council notwithstanding the provisions of Standing Order 4(c).
- (i) Subject to any provisions of these Standing Orders anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.

13. Notice of Resolutions for Council Meetings

- (a) A motion may be submitted by any Member.
- (b) Except as provided by these Standing Orders no resolution may be moved unless the proposer has given notice in writing of its terms and has delivered the notice to the Town Clerk and Chief Executive at least five clear days before the next meeting of the Council or the appropriate Committee.
- (c) The Town Clerk and Chief Executive shall insert in the summons for every meeting all the notices of motion or recommendation properly received unless the proposer has stated in writing that it is intended to move at some later meeting or that the motion is withdrawn.
- (d) If a resolution or recommendation specified in the summons is not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (e) Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

14. Resolutions of an Urgent or Emergency Nature at Council Meetings

Any Member may propose a resolution on a subject requiring urgent attention subject to:

- (a) Notice setting out the resolution is given to the Mayor at the commencement of the meeting.
- (b) The Council approve a resolution agreeing to the motion being added to the order paper for the meeting.

15. **Resolutions Without Notice**

Resolutions dealing with the following matters may be moved without notice at any time:

- (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 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 thereof
- (i) To adopt a report
- (j) To authorise the sealing of documents
- (k) To amend a motion
- (l) To seek leave to withdraw a motion or amendment
- (m) To suspend Standing Orders
- (n) To exclude press and public
- (o) To silence or eject from the meeting a Member named for misconduct
- (p) To invite a Member having an interest in the subject matter under debate to remain
- (q) To approve adding emergency resolutions to the agenda.

Providing the motion is seconded the question shall be put without debate.

16. **Questions at Council**

- (a) Any Member may ask the Town Mayor any questions concerning the business of the Council on giving notice of its terms and having delivered the notice to the Mayor or the Town Clerk and Chief Executive at least 3 clear days before the meeting
- (b) Every question shall be put and answered. No discussion shall be entered into but the questioner will be permitted to ask one relevant supplementary question which shall be answered.
- (c) A person to whom a question has been put may decline to answer.

17. Reports of Committees

- (a) The reports of each Committee shall be divided into
 - (i) recommendations which are submitted to the Council for adoption and
 - (ii) other matters which do not require such approval.
- (b) The items in the report of a Committee shall be considered individually and in order and a separate vote shall be taken on each recommendation included in a Committee's report.
- (c) Upon the consideration of a Committee report the Chairman or other Member of that Committee shall move that the report be received and the recommendations contained therein (if any) be adopted. When the motion has been seconded the Town Mayor or other person presiding at the meeting shall invite questions and then comments in respect of each item included in the Committee's report. A Member shall not be limited as to the number of questions he may ask but may not rise to comment more than once on each item.
- (d) The mover of the motion to receive a Committee's report shall have the right of reply to any comments made on an item included in that report.

18. Rules of Debate

- (a) No discussion shall take place upon the Minutes except upon their accuracy. Correction to the Minutes shall be made by resolution and must be initialled by the Town Mayor.
- (b) 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 Chairman of the relevant Committee at least three days prior to the relevant meeting. The Chairman, 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.
- (c) 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 Town Mayor, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- (d) 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.
- (e) A Member shall direct his speech to the question under discussion, or to a personal explanation, or to a question of order.
- (f) An amendment shall not have the effect of negating the motion before the Council
- (g) No speech shall exceed ten minutes, except by consent of the Council.

- (h) An amendment shall be either:-
 - i) To leave out words
 - ii) To leave out words and insert or add others
 - iii) To insert or add words
- (i) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendments may be moved.
- (j) The mover of a resolution or of an amendment shall have a right of reply.
- (k) A motion or amendment may be withdrawn by the proposer with the unanimous 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.
- (l) The ruling of the Town Mayor on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (m) Members shall address the Town Mayor.
- (n) 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 the closure.
- (o) A Member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A Member rising for these purposes shall be heard forthwith.
- (p) When a resolution is under debate no other resolution shall be moved except the following:-
 - i) To amend the resolution
 - ii) To proceed to the 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 does leave the meeting
 - vii) That the resolution be referred to a Committee
 - viii) To exclude the public and press
 - ix) To adjourn the meeting.

19. **Closure**

At the end of any speech a Member may without comment, move "that the question be now put" or "that the Council do now adjourn". If such a motion is seconded and if the Town Mayor is of the opinion that the question before the Council has been sufficiently debated (but not otherwise) he shall forthwith put the motion. If the motion "that the question be now put" is carried he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the 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.

20. **Alteration of Resolution**

A Member may, with the consent of his seconder, move amendments to his own resolution.

21. **Right of Reply**

The mover of a resolution shall have the right to reply immediately before the motion 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.

22. **Rescission of Previous Resolution**

- (a) A decision of the Council shall not be reversed within six months save by a special resolution, the written notice of which bears the names of at least four Members of the Council.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- (c) This order shall not apply to rescinding resolutions moved in pursuance of the report or recommendation of a Committee.

23. **Conduct of Members**

- (a) No Member shall misconduct himself at a meeting by persistently disregarding the ruling of the Town Mayor, by wilfully obstructing business or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule. Members must always abide by the principle of transparency and openness as set out in the Council's Code of Conduct.
- (b) If, in the opinion of the Town Mayor, a Member has acted in a manner contrary to that required, the Town Mayor 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. If a Member reasonably believes another Member is in breach of the Code of Conduct, that Member is under a duty to report the breach to the Monitoring Officer of Central Bedfordshire Council.

- (c) If either of the motions mentioned in paragraph (b) is disobeyed the Town Mayor may suspend the meeting or take such further action as may reasonably be necessary to enforce them.
- (d) All Members must observe the Code of Conduct which was adopted by the Council on 25 June 2012, a copy of which is annexed to these Standing Orders.

24. Disqualification of a Parish Councillor

- (a) If a Member fails throughout a period of six consecutive months from the date of his last appearance to attend any meeting of the Council, he will cease to be a Member of the Council, unless the failure is due to some reason approved by the Council before the expiry of the six months period.
- (b) Attendance at a meeting of a Committee or Sub-Committee of the Council or at a joint Committee of the Council and another local authority is deemed to be attendance at a meeting of the Council.

25. Casual Vacancies

- (a) In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice in one or more local publications.
- (b) A by-election will be held if, within fourteen days, a poll is claimed by ten electors.
- (c) If a poll is not claimed the vacancy may be filled by co-option within sixty days of the date of the public notice and the Council will be convened to fill the vacancy.
- (d) The person co-opted will complete the Declaration of Acceptance of Office and serve for the remainder of the term of the Councillor replaced.

26. Liaison with District Councillors

A Notice of Meeting together with an invitation to attend shall be sent to the Central Bedfordshire Councillors representing the area of the Town Council.

27. Finance

- (a) The funds of the Council shall be kept in the name of the Council at a Bank approved by the Council.
- (b) No financial liabilities shall be incurred or payments made except under a special or general authorisation of the Council.
- (c) Payments made by cheque, direct debit, on-line banking or any other order shall be signed by any two of the appointed Members of the Council, together with the Town Clerk and Chief Executive (or such other officer nominated by him) if so required by the Council.

- (d) The accounts of the Council shall be made up by the Responsible Financial Officer at the end of each financial year and submitted to the Council as soon as is practicable thereafter irrespective of whether or not the accounts have been audited.
- (e) Except as provided in paragraph (f) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council or the Finance and General Purposes Committee or a Sub-Committee appointed by it for that purpose.
- (f) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Unless it has been otherwise authorised by the Council, payment shall be authorised by the Committee, if any, having charge of the business to which it relates or by the Town Mayor or Deputy Town Mayor of the Council.
- (g) All payments authorised under sub-paragraph (f) of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before the Council.
- (h) The Responsible Financial Officer shall supply to each Member as soon as practicable after 31 March in each year a Financial Statement prepared on the appropriate accounting basis for a year to 31 March. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval in accordance with the Accounts and Audit Regulations.
- (i) The Town Clerk and Chief Executive may be required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

28. Estimates

- (a) Any Committee desiring to incur expenditure during the next financial year to be defrayed out of the income of the Council shall submit its proposals to the Town Clerk and Chief Executive prior to the meeting of Finance and General Purposes Committee to be held in January each year.
- (b) At the meeting of the Finance and General Purposes Committee held in January consideration shall be given to the detailed proposals of expenditure and income submitted by the Town Clerk and Chief Executive and recommendations made to the January or February meeting of the Council as to the amount of precept to be levied for the ensuing financial year.
- (c) Any motion that is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee or another Committee supported by the Finance and General Purposes Committee and which if carried, would, in the opinion of the Town Mayor substantially increase the expenditure upon any service which is under the management of, or reduce the revenue at the disposal of, any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and any Committee

affected by it shall consider whether it desires to report thereon. The Finance and General Purposes Committee shall report on the financial aspect of the matter.

29. **Sealing of Documents**

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) Any two Members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.

30. **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.

31. **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 decided whether or not the public shall be excluded. (See SO 37).

32. **Interests – Members**

- (a) If a Member has a non-pecuniary interest as defined by the Code of Conduct adopted by the Council on 25 June 2012 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (b) If a Member has a pecuniary interest, Standing Order 37(e) refers.
- (c) The Town Clerk and Chief Executive shall record in a book to be kept for the purpose, particulars of any notice given by any Member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection by any Member and the public.

33. **Interests – Candidates for Council Employment**

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 and Chief Executive. A candidate who fails to do so shall be disqualified for such appointment, and if appointed may be dismissed without notice. The Town Clerk and Chief Executive shall report to the Council or to the appropriate Committee any such disclosure.

Where a relationship to a Member is disclosed the Standing Orders on interests of Members in contracts and other matters shall apply.

The Town Clerk and Chief Executive shall make known the purpose of this Standing Order to every candidate.

34. Canvassing of and Recommendations by Members

- (a) Canvassing of Members or any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.

The Town Clerk and Chief Executive shall make known the purpose of this Standing Order to every candidate.

- (b) A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or promotion; but nevertheless a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) Standing Orders 32 and 33 shall apply to tenders as if the person making the tender were a candidate for an appointment.

35. Standing Orders on Contracts

- (a) When it is intended to enter into a contract exceeding £5,000 but not exceeding £40,000 in value for the supply of goods or materials or for the execution of works, the Town Clerk and Chief Executive shall where practicable obtain at least three competitive quotations.
- (b) Where the value of the intended contract exceeds £40,000 sealed tenders shall be invited from a minimum of 4 firms included in any standing list of contractors maintained by the Council, or if no such list is maintained then from such firms as may be determined having sought advice from the relevant Council consultant.
- (c) Notice of a contract exceeding £40,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which the tenders should reach that person in the ordinary course of post.
- (d) If no tenders are received or if all tenders are identical the Council may take such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (e) A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders 32 and 33.
- (f) The Town Clerk and Chief Executive together with the Chairman of the relevant Committee (or other officer or member nominated by them) shall open all tenders immediately after the closing date for submission and record the name and price of each tender and sign each entry.
- (g) The Town Clerk and Chief Executive shall not accept other than the lowest tender without the consent of the appropriate Committee of the Council.

- (g) The Town Clerk and Chief Executive shall be authorised to accept the lowest tender provided it does not exceed the estimated value of the work as indicated in the relevant approved revenue or capital budget.

36. Inspection of Documents

- (a) A Member may for the purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council or a Committee, and if copies are available shall on request, be supplied for the like purpose with a copy.
- (b) All Minutes kept by the Council and by any Committee shall be open for the inspection of any Members of the Council.
- (c) The Minutes of the Council shall be open to inspection by any Local Government elector of the Parish without charge.

37. Admission of the Public and Press to Meetings and Petitions

- (a) The public and press shall be admitted to all meetings of the Council and its Committees, which may, however, temporarily exclude the public or press or both by means of the following resolution, viz:

"That in view of the 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."
- (b) The Town Clerk and Chief Executive shall afford to the press and public reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- (c) For the purposes of reporting, members of the press and public will be permitted to record the proceedings of any Council or Committee meetings that they are permitted to attend. This includes the use of any communication method including the internet to publish, post or otherwise share the results of the person's recording activities. Publication and dissemination of recording activity may take place at the time of the meeting or occur after the meeting.
- (d) For the purpose of 37 (c) above, any person attending the Council meeting or relevant Committee meeting, in the interests of courtesy, are required to inform the Chairman of the meeting if they intend to record the meetings proceedings.
- (e) Questions and representations from the public at all meetings of the Council or its Committees should be received by the Town Clerk and Chief Executive in writing a minimum of three working days prior to the date of the meeting. Representations from the public at Committee meetings will only be accepted if the representations are relevant to specific agenda items or at the discretion of the Chairman of the Committee meeting. All questions shall be put and answered without discussion. No supplementary questions shall be permitted.
- (f) At all meetings of the Council, the Chairman may permit members of the Council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have a pecuniary interest in relation to any item of

business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. The Code of Conduct which was adopted by the Council on 25 June 2012 shall apply to members of the Council in respect of the entire meeting.

- (g) Representations by members of the Council with a pecuniary interest or by or on behalf of the public shall be restricted to a maximum time of three minutes per person up to a maximum total time of fifteen minutes. Where more than three people wish to make representations the time allocated to each person shall be determined and declared by the Chairman. Where the representations relate to an item on the agenda the Chairman may defer the hearing or adjust the order of the Agenda as he may decide.
- (h) If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or that part of the Chamber open to the public be cleared.
- (i) **Petitions** from Councillors and members of the public will be accepted and considered by the most appropriate Committee. When considering each petition Members of the Committee will determine a relevant course of action which will be clearly minuted. All petitions will be presented to the next available Committee and will be made a separate agenda item. Petitions should therefore be submitted at least 7 days prior to the appropriate Committee.

38. **Confidential Business**

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

Members should exercise discretion in quoting any remarks made in Council or Committee especially when the press or public are excluded, or simply not present when quotes to a third party should only be attributed to a Member with that Member's permission.

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

39. **Committees**

The Council may at the Annual Meeting appoint standing Committees, and may at any other time appoint such other 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 Meeting, and
- b) may, subject to the provisions of Order 22 above, at any time dissolve or alter the Membership of a Committee

- c) the Town Mayor and Deputy Town Mayor shall be Members of every Committee
- d) every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council unless such election takes place at the Annual Meeting of the Council
- e) the Chairman of a Committee or the Town Mayor may summon a special meeting of that Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting
- f) every Committee may appoint Sub-Committees for purposes to be specified by the Committee
- g) the Chairman of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve
- h) except when 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 Committee or Sub-Committee shall be one-half of its Members
- i) the Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee and Sub-Committee meetings insofar as they are appropriate.

40 **Voting on Committees**

- a) Members of Committees and Sub-Committees shall vote by show of hands.
- b) Chairmen of Committees and Sub-Committees shall have a second or casting vote.

41 **Presence Of Non-Members Of Committees At Committee Meetings**

- a) A Member who has proposed a motion which has been referred to any Committee of which he is not a Member, may explain his motion to the Committee but shall not vote.
- b) Any Council Member may attend, and with the permission of the Committee Chairman, speak on particular matters at a meeting of a Committee or Sub-Committee of which she is not a member, but may not vote.

42. **Delegation to Committees**

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.

43. **Delegation - Exceptions**

- a) The borrowing of money
- b) The levying of a rate
- c) The disposal of land, other than lettings for two years or less
- d) The introduction of new major policy or a change in the Council's established policy
- e) The making of byelaws
- f) The purchase of land not provided for, or at a cost in excess of a sum allowed in any approved capital works.

44. **Sub-Committees**

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.

45. **Delegation to Committee Chairmen, Vice-Chairmen and Officers.**

The following powers shall be delegated to the Committee indicated:

- (a) **Finance and General Purposes Committee**
(14 Members plus the Town and Deputy Town Mayor)
 - (i) To make decisions on overall Council policy
 - (ii) 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.
 - (iii) To consider and approve corporate arrangements for risk management.
 - (iv) To control the policies of all Committees and, where appropriate, to make recommendations thereon to the Council.
 - (v) To consider and make decisions on any matters referred to it by the Council or other Committees.
 - (vi) To determine all matters relating to financial issues and to recommend annual revenue and capital budgets to Council.
 - (vii) 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.
 - viii) To control the collection of revenues of the Council and to write off irrecoverable amounts.

- (ix) To determine policy regarding insurances.
- (x) To receive auditors' reports and make decisions as to any policy matters raised thereby or arising therefrom.
- (xi) To make decisions regarding town twinning, hospitality, civic and public relations activities and any applications for grant aid.
- (xii) To advise on the making of any byelaws not specifically the responsibility of any other Committee or District Council.
- (xiii) 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.
- (xiv) To make recommendations to the Council on the conduct of its own business - including Standing Orders, Committee organisation and membership and calendar of meetings.
- (xv) To make decisions on all matters relating to the Council's premises including the determination of applications to use any of the facilities therein.
- (xvi) To make decisions on any matters not specifically allocated to another Committee.
- (xvii) 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.

(b) **Accounts Sub-Committee**

This Sub-Committee will report directly to the Finance and General Purposes Committee and will comprise 4 Members consisting of the Chairman of Finance and General Purposes Committee plus 3 other Members. Substitutes will be permitted as full Committee Members.

- (i) To approve the payment of Accounts in accordance with Standing Order 27.
- (ii) To monitor the level of Council income/expenditure compared with the approved budget and to make any recommendations thereon to the Finance and General Purposes Committee.
- (iii) To act as the Council's Audit Committee and to receive and make recommendations on reports from Internal and External Auditors.

(c) **Personnel Sub-Committee**

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

- (i) To consider and make recommendations to the Finance and General Purposes Committee issues concerning the employment and terms and conditions of all staff.
- (ii) To consider and make recommendations to the Finance and General Purposes Committee on issues concerning Council personnel policy.
- (iii) To determine the successful nominee for the Quarterly Staff Award Scheme.

(d) **Grants Sub-Committee**

This Sub-Committee will report directly to the Finance and General Purposes Committee and will comprise 4 Members consisting of 2 Members from the Finance and General Purposes Committee and 1 Member from each of the other 2 standing committees.

- (i) To consider and make recommendations to the Finance and General Purposes Committee on all grant applications made to the Council in accordance with the Council's Community Grants application process.

(e) **Appeals and Appointments Committee**

This Sub-Committee will report directly to the Finance and General Purposes Committee and will comprise 4 Members consisting of the 3 standing committee chairmen and the Town Mayor.

- (i) 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.

(f) **Dunstable Joint Committee**

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.

- (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.
- (g) **Grounds and Environmental Services Committee**
(12 Members plus the Town and Deputy Town Mayor)
- (i) To determine all matters relating to highways, footpaths and bridleways.
 - (ii) To respond, on behalf of the Council, to the proposals of other authorities relating to transportation and car parking issues, including traffic regulation orders.
 - (iii) To determine all matters relating to the provision and maintenance of, bus shelters.
 - (iv) 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.
 - (v) To determine all issues relating to the management and maintenance of Dunstable Cemetery.
 - (vi) 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.
(This function has in turn been delegated to the Plans Sub-Committee).
 - (vii) To consider any local plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders.
 - (viii) 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.
 - (ix) 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.
 - (x) 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.

(h) **Plans Sub-Committee**

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.

- (i) 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.
- (ii) To comment, on behalf of the Town Council, on any traffic regulation proposals or other urgent matters proposed by Central Bedfordshire Council.
- (iii) Any Member of the Council may act as a substitute member and attend, speak and vote at meetings of this Sub-Committee.

(i) **Community Services Committee**

(12 Members plus the Town and Deputy Town Mayor)

- (i) 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.
- (ii) To determine all matters relating to the Council's approach to delivering services to young people.
- (iii) To determine all matters relating to the delivery of the Council's holiday activities programme.
- (iv) To keep under review the need for additional community facilities and to make recommendations as to how to satisfy such need.
- (v) 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.
- (vi) 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.
- (vii) To liaise with local voluntary organisations on the development of voluntary services.
- (viii) 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.
- (ix) To determine all matters relating to the Council's annual events programme.

- (x) To determine all matters relating to Priory House
- (xi) To determine all matters relating to the Council's provision of Christmas lighting in the town centre.
- (xii) To determine all matters relating to the management of Dunstable Market.
- (xiii) 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.

(j) **Town Clerk and Chief Executive**

The following powers shall be delegated to the Town Clerk and Chief Executive or in his 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.

46 **Matters of Urgency**

The Chairman and Vice-Chairman of any Committee (provided that, if either or both be not available, any other Member(s) of the appropriate committee shall act in their stead) shall be authorised to exercise any powers within the purview of their Committee, but not otherwise delegated, provided they are satisfied that action is required as a matter of urgency.

The Members so acting shall be deemed to constitute a Sub-Committee of the Committee concerned.

47 **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 Monitoring Officer at Central Bedfordshire Council.

48 **Standing Orders**

- (a) Any part of the Standing Orders except those required by statute may be suspended by resolution in relation to any specific item of business.

- (b) A motion to permanently vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (c) These Standing Orders shall not be altered or rescinded except with the consent of at least two thirds of the Members present and voting at a meeting of the Council.

49 **Standing Orders to be given to Members**

A printed copy of these Standing Orders shall be given to each Member by the Town Clerk and Chief Executive upon delivery to him of the Member's Declaration of Acceptance of Office.

50 **Approval of Standing Orders**

The foregoing Constitution, Rules and Standing Orders were approved by the Council on 22 September 2014.

..... Town Mayor
Councillor Terry Stock

..... Town Clerk and Chief Executive
David Ashlee

DUNSTABLE TOWN COUNCIL

CODE OF CONDUCT

1.0 Introduction

- 1.1 This Code of Conduct ("the Code") has been adopted by the Council as required by Section 27 of the Localism Act 2011 ("the Act").
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the "Nolan" principles of standards in public life):

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

2.0 Who does the Code apply to?

- 2.1 The Code applies to all Members of the Council and to all co-opted members of any committee, sub-committee or joint committee or sub-committee of the Council.

3.0 When does the Code apply?

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.

4.0 What standards of Conduct are Members expected to observe?

Selflessness:

- 4.1 Members must always act in the public interest.

- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves or any other person, an advantage or disadvantage.
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

Integrity

- 4.4 Members must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

Objectivity

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Town Clerk and (where a separate appointment is made) to the Responsible Financial Officer.

Accountability

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

- Local Government Act 1972
- Employment Rights Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000
- Bribery Act 2010
- Equality Act 2010
- Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply.

Openness

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Standing Orders.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

Honesty

- 4.12 Members must declare any disclosable (pecuniary and non-pecuniary) interests or conflicts of interest that may arise in respect of their responsibilities as a Member of the Council.
- 4.13 Members must at all times ensure that their claims for expenses, allowances, and their use of facilities and services provided by the Council are strictly in accordance with the rules laid down on these matters.

Leadership

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its Members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 Members should value the Council's officers and work alongside them to achieve the Council's objectives. Members must on no account behave in a manner that might constitute bullying.

5.0 Register of Interests

- 5.1 The Monitoring Officer of Central Bedfordshire Council maintains a register of interests of Members and co-opted members of the Council.
- 5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These disclosable interests are listed in Schedule 1.
- 5.3 Members must notify the Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.
- 5.4 Within 28 days of becoming a councillor, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

| | |
|-------------------------------|----------------------|
| <i>Made</i> - - - - | <i>6th June 2012</i> |
| <i>Laid before Parliament</i> | <i>8th June 2012</i> |
| <i>Coming into force</i> - - | <i>1st July 2012</i> |

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

(a) 2011 c.20.
(b) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

| <i>Subject</i> | <i>Prescribed description</i> |
|---|---|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a). |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of |

(a) 1992 c. 52.

business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Localism Act 2011

30 Disclosure of pecuniary interests on taking office

- (1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
- (2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.
- (3) For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either—
- (a) it is an interest of M's, or
 - (b) it is an interest of—
 - (i) M's spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,and M is aware that that other person has the interest.
- (4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

31 Pecuniary interests in matters considered at meetings or by a single member

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—
- (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) is aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).
- (3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.

(6) Subsections (7) and (8) apply if—

(a) a function of a relevant authority may be discharged by a member of the authority acting alone,

(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

(c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).

(10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.

(11) For the purpose of this section, an interest is "subject to a pending notification" if—

(a) under this section or section 30, the interest has been notified to a relevant authority's monitoring officer, but

(b) has not been entered in the authority's register in consequence of that notification.