

# **CONGLETON TOWN COUNCIL**

## **STANDING ORDERS**

### **INDEX**

<b><u>Subject</u></b>	<b><u>Page</u></b>
Meetings	2
The Statutory Annual Meeting	2
Chairman of the Meeting	2
Proper Officer	2
Quorum of the Council	3
Voting	3
Acceptance of Office	3
Order of Business	3
Urgent Business	4
Resolutions Moved on Notice	5
Resolutions Moved without Notice	5
Questions	6
Rules of Debate	6
Closure	8
Disorderly Conduct	8
Right of Reply	8
Alteration of Resolution	8
Rescission of Previous Resolution	9
Voting on Appointments	9
Discussions and Resolutions Affecting Employees of the Council	9
Resolutions on Expenditure	9
Expenditure	9
Accounts & Financial Statement	10
Estimates/Precepts	10
Sealing of Documents	10
Committees and Sub Committees	10
Working Parties & Advisory Committees	11
Voting in Committees	11
Presence of Non-Members of Committees at Committee Meetings	12
Responsible Financial Officer	12
Interests	13
Canvassing of and Recommendations by Members	14
Inspection of Documents	14
Unauthorised Activities	14
Admission of the Public and Press to Meetings	15/16/17
Petitions	17
Confidential Business	18
Liaison with councillors of the Principal Authority(s)	18
Planning Applications	18
Complaints Procedure	18
Variation, Revocation and Suspension	18
Standing Orders to be given to Members	18
Constitution	19
Town Meeting	19
Leader of Council	19
Deputy Leader of Council	19
Honorary Burgess	19
Training & Development	19
Certificates in recognition of outstanding service	20
Youth Committee	20

## **MEETINGS**

- 1a. Meetings of the Council shall be held in each year on such dates as the Council may direct. In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year.
- b. Meetings of the Council shall be held at the Town Hall, Congleton, at 7.00 p.m. unless the Council otherwise decides at a previous meeting, or the Mayor takes the decision in advance of the notice of the meeting, as a matter of expediency.
- c. Smoking is not permitted at any meeting of the Council, committee, sub-committee, working party or informal meeting.
- d. Additional meetings shall be held as required by the Town Council. The Mayor (or Deputy Mayor in the Mayor's absence) may convene an extraordinary meeting at any time. Any two Members may convene an extraordinary meeting, having previously requisitioned the Mayor and received a refusal or where the Mayor has omitted to call such a meeting within seven days of requisition.

## **THE STATUTORY ANNUAL MEETING**

- 2a. In an election year shall be held on or within 14 days following the day on which the councillors elected take office and
- 2b. In a year which is not an election year shall be held on such day in May as the Council may direct.

NOTE: Any reference in these Standing Orders to the powers and duties of the Chairman shall also apply to the powers and duties of the Town Mayor.

## **CHAIRMAN OF THE MEETING**

- 3a. The Mayor will preside at the Council meeting if present. In the Mayor's absence, the Deputy Mayor will preside.
- b. If both the Mayor and deputy Mayor are absent, the Council will approve a chairman from amongst the Councillors present.
- c. The person residing at a meeting may exercise all the powers and duties of the Mayor in relation to the conduct of the meeting.

## **PROPER OFFICER**

4. Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the Chief Officer:-
  - a. To receive declarations of acceptance of office.
  - b. To receive and record notices disclosing personal and prejudicial interests.
  - c. To receive and retain plans and documents.
  - d. To sign notices or other documents on behalf of the Council.
  - e. To receive copies of bylaws made by the Borough Council.
  - f. To certify copies of bylaws made by the Town Council.
  - g. To sign summons to attend meetings of the Council.
  - h. To keep proper records for all Council meetings.
  - i. To receive any communications or requests under the Freedom of Information Act 2000.
  - j. To sign and serve on councillors by post, delivery or electronic means, a summons confirming the time, date and venue and the agenda of a meeting of the Council or committee or sub-committee at least 3 clear days before the meeting. (3 clear days excludes the day on which the notice is served, the day of the meeting, Sundays, a day of the Easter break or a bank holiday)

- k. To give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council, committee or sub-committee.  
The Chief Officer and other officers of the Council shall have the authority and duties given to them under the Council's Scheme of Delegation.

### **QUORUM OF THE COUNCIL**

5. Seven members shall constitute a quorum.
6. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared personal and prejudicial interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

(For a quorum relating to a committee or sub-committee, please refer to standing order 53.)

### **VOTING**

7. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
8. If a member so requires, the Clerk 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 may be made before or after the vote but in any event before moving on to the next business.
- 9a. Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- b. The Chairman may not give an original vote in the election of the Chairman on any occasion when he will himself immediately after such election retire from the Council (except at the election after the parish or community elections).
- c. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

### **ACCEPTANCE OF OFFICE**

- 10a. Following an election, Councillors should execute Declarations of Acceptance of Office in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.

### **ORDER OF BUSINESS**

11. At each Annual Meeting the first business shall be:-
- a. To elect the Town Mayor.
  - b. To receive the Town Mayor's declaration of acceptance of Office or, if not then received, to decide when it shall be received.
  - c. To elect a Deputy Town Mayor.
  - d. To receive the Deputy Mayor's declaration of acceptance of Office or, if not then received, to decide when it shall be received.
  - e. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - f. To appoint representatives to outside bodies.

- h. To appoint statutory or standing committees as may be required by the Town Council.
  - i. To consider the payment of any subscriptions falling to be paid annually.
  - j. To inspect any deeds and trust instruments in the custody of the Council; and shall thereafter follow the order set out in Standing Order 14.
12. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor are 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.
13. The annual review of the pay and conditions of service of existing employees shall be undertaken by Personnel Committee in accordance with the national pay negotiations. Any review outside of this shall be referred to Council for ratification.
14. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-
- a. To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - b. After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record.
  - c. To deal with business expressly required by statute to be done.
  - d. To receive such communications as the presiding Chairman may wish to lay before the Council.
  - e. To dispose of business, if any, remaining from the last meeting.
  - f. To answer questions from councillors.
  - g. To consider motions or recommendations in the order in which they have been notified.
  - h. To receive and consider reports and minutes of committees, sub-committees, working parties and advisory committees.
  - i. To receive and consider reports from officers of the Council.
  - j. To authorise the sealing of documents.
  - k. To authorise the signing of orders for payment if necessary (see Standing Order 61).
  - l. Any other business specified in the summons.

### **URGENT BUSINESS**

15. A motion to vary the order of business on the ground of urgency:
- a. May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - b. Shall be put to the vote without discussion.

### **RESOLUTIONS MOVED ON NOTICE**

16. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Chief Officer at least 7 clear days before the next meeting of the Council.

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

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

22. Resolutions dealing with the following matters may be moved without notice:-
  - a) To appoint a Chairman of the meeting.
  - b) To correct the Minutes.
  - c) To approve the Minutes.
  - d) To alter the order of business.
  - e) To proceed to the next business.
  - f) To close or adjourn the debate.
  - g) To refer a matter to a committee.
  - h) To appoint a committee or any members thereof.
  - i) To adopt a report.
  - j) To authorise the sealing of documents.
  - k) To amend a motion.
  - l) To give leave to withdraw a resolution or amendment.
  - m) To extend the time limit for speeches.
  - n) To consider otherwise than in a committee, a question affecting an employee of the Council.
  - o) To exclude the public or press. (see Order 71 below)
  - p) To silence or eject from the meeting a member named for misconduct. (see order 34 below)
  - q) To give the consent of the Council where such consent is required by these Standing Orders.
  - r) To invite a Member having a personal & prejudicial interest in the subject matter under debate to remain (see Order 63)
  - s) To suspend any Standing Order. (see Order 83 below)
  - t) To adjourn the meeting.

## **QUESTIONS**

23. A member may ask the Mayor any question concerning the business of the Council, provided 7 clear days notice of the question has been given to the person to whom it is addressed.
24. A Member may ask the chairman of a committee, sub committee or working party any question concerning the business of the committee, sub-committee or working party, provided 7 clear days notice of the question has been given to the person to whom it is addressed.
25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer or opt to provide a written answer before the next meeting.
28. A member without notice may ask the Chairman of a Committee any question upon the business of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.

## **RULES OF DEBATE**

29. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 30a. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
  - b. A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his speech until a later period of the debate.
  - c. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
  - d. No speech shall exceed 5 minutes except by consent of the Council.
  - e. 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.
  - f. An amendment shall not have the effect of negating the resolution before the Council.
  - g. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

- h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - i. The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
  - j. A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
  - k. A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confirmed to some material part of a former speech by him/her which may have been misunderstood.
  - l. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - m. When a resolution is under debate no other resolution shall be moved except the following:-
    - i. To amend the resolution.
    - ii. To proceed to 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 do leave the meeting.
    - vii. That the resolution be referred to a committee.
    - viii. To exclude the public or press or both.
    - ix. To adjourn the meeting.
31. A member or officer shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
32. a. the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b. Members shall address the Chairman.
- c. If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seat.
- d. Whenever the Chairman rises during a debate all other member shall be seated and silent.

## **CLOSURE**

33. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

## **DISORDERLY CONDUCT**

34a. All members must behave in a manner required by the Code of Conduct currently adopted by the Council.

b. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

c. If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

a. If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## **RIGHT OF REPLY**

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

## **ALTERATION OF RESOLUTION**

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

## **RESCISSION OF PREVIOUS RESOLUTION**

37a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 6 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

b. When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.



## **VOTING ON APPOINTMENTS**

38. 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.

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

39. 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 Standing Order No. 71.)

## **RESOLUTIONS ON EXPENDITURE**

40. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance & Policy Committee or of another committee after recommendation by the Finance & Policy Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, except when this impact is already accommodated in an approved budget 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 (and the Finance & Policy Committee shall report on the financial aspect of the matters).

## **EXPENDITURE**

41. Approved cheques and other Orders for the payment of money shall be signed by two members, from a minimum of four Members nominated by Council at the start of the four year cycle but reviewed annually.
42. Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations. The Financial Regulations shall be reviewed once a year.
43. The Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an officer. Payments made under delegated authority must be included in a report in accordance with Order 44.

## **ACCOUNTS AND FINANCIAL STATEMENT**

- 44a. All payments by the Council shall be authorised, approved and paid in accordance with the Financial Regulations and must be reported to the next ordinary Council meeting.
- b. Where it is appropriate in the efficient execution of Council business to make a payment before it has been authorised by the Council, or Finance & Policy Committee, but is not a payment delegated to the Chief Officer or Responsible Financial Officer (RFO) for approval, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the Chief Officer or RFO for payment in consultation with the Chairman or Vice-Chairman of the Finance & Policy Committee.
- c. All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

## **ESTIMATES / PRECEPTS**

45. Any committee desiring to incur expenditure to be defrayed out of the rates shall, not later than 31<sup>st</sup> December, give to the Chief Officer a written estimate of the expenditure recommended for the coming year, and such estimate shall be submitted to the Council at its meeting in January when the Council shall approve its Budget and Precept for the coming financial year.

## **SEALING OF DOCUMENTS**

- 46a. 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 named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal

## **COMMITTEES & SUB COMMITTEES**

47. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, 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.
- b. May appoint persons other than Members of the Council to any Committee (Except Finance & Policy Committee), but such persons will not have power to vote; and
- c. May subject to the provisions of Order 37 above at any time dissolve or alter the membership of committee.
48. The Mayor, Deputy Mayor and Leader of Council ex-officio shall be members of every committee.

49. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year. For standing committees these issues shall be determined at the Annual Council meeting.
50. The Chairman of a committee or the Mayor may summon an additional meeting of that committee at any time. An additional 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.
51. Every committee may appoint sub-committees for purposes to be specified by the committee.
52. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
53. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be three Members or a third of its total membership whichever is the larger, except in relation to Planning Committee where the quorum is 5 Members.

If however circumstances arise where the Finance and Policy Committee is not a quorate at a particular meeting and other non committee members of the Council are present, the chairman will have the discretion, at that meeting only, to co-opt such councillors onto the committee as voting members to make the meeting quorate.

54. 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.

#### **WORKING PARTIES & ADVISORY COMMITTEES**

- 55a. The Council may create working parties to look at specified issues and advise it accordingly. It must determine the terms of reference and membership as for a committee. Usually working groups will operate on a task and finish basis.
  - b. Voting in a working group will be as for a committee see Orders 57 & 58 below.
- 56a. The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
  - b. The Council shall determine the terms of reference of the committee.
  - c. An advisory committee may make recommendations and give notice thereof to the Council
  - d. An advisory committee may consist wholly of persons who are not members of the Council.

## **VOTING IN COMMITTEES**

57. Members of committees and sub-committees entitled to vote shall by show of hands, or, if at least two members so request, by signed ballot.
58. Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

## **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

59. A member who has proposed a resolution which has been referred to any committee of which he/she is not a member, may explain his resolution to the committee but shall not vote.
60. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he is not a member.

## **RESPONSIBLE FINANCIAL OFFICER**

- 61.a. The Responsible Financial Officer (R.F.O.) of the Council shall be the Chief Officer or RFO upon a resolution of Council. The Chief Officer and other officers of the Council shall have the authority and duties given to them under the Council's Scheme of Delegation.
- b. The duties of the R.F.O. shall include the following:-
  - (i) To prepare financial reports for the Finance & Policy Committee, and/or the Council.
  - (ii) To prepare draft estimates. When approved by Council these will form the basis of budget monitoring during the year. To report thereon to Finance & Policy Committee.
  - (iii) To submit the precept to the Borough Council and supply any breakdown requested.
  - (iv) To bank regularly (daily if necessary) all money received and expended by the Council.
  - (v) To ensure that all money due to the Council is billed and collected promptly.
  - (vi) To manage cash flow and control investments and bank transfers.
  - (vii) To control payments by cheque.
  - (viii) To handle the overall management of payroll. To ensure prompt payment of tax and national insurance to Inland Revenue monthly.
  - (ix) To take overall responsibility for submission of VAT returns and to deal with VAT inspections.
  - (x) To verify and code (i.e. allocate to expenditure heads) suppliers' invoices prior to certification for payment.

(xi) To prepare and balance final accounts in accordance with the regulations and report thereon to Finance & Policy Committee and the Council.

(xii) To produce accounts and records for external audit in accordance with the regulations.

(xiii) To arrange for internal audit material of all aspects of the Council's financial affairs in accordance with regulations.

(xiv) To monitor compliance with the Council's financial regulations and to ensure correct financial systems are in place.

(xv) To manage insurance risk. To process claims as necessary. To report annually to Finance & Policy Committee or Council on insurance risk covered.

(xvi) To maintain the Council's register of property and assets.

(xvii) To be familiar with and administer the computerised accounts system.

## **INTERESTS**

62. If a member has a non-pecuniary interest as defined by the Code of Conduct for Members 2012 currently adopted by the Council then he/she shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.

63a. If a member who has declared a non-pecuniary interest then considers the interest to be pecuniary, he/she must withdraw from the meeting and not take part in any discussion or vote during consideration of the item to which the interest relates.

b. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by the Council.

64a. The Chief Officer shall hold a copy of the Register of Member's Interests in accordance with instructions received from the Monitoring Officer of the Responsible Authority and/or as required by statute.

b. Officers' interests declared under the Officer Code of Conduct must also be recorded in the Register

c. The Register shall be available during reasonable hours of the day for the inspection of any Member.

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

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- 66a. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Chief Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- b. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment, providing they are not part of the selection process.
67. Standing Order Nos. 65 & 66 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **INSPECTION OF DOCUMENTS**

68. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 69a. All minutes kept by the Council and by any committee or sub-committee shall be open for the inspection of any member of the Council.
- b. All requests for information held by the Council shall be processed in accordance with The Council's Publication Scheme and Information Guide and the Freedom of Information Act 2000.

## **UNAUTHORISED ACTIVITIES**

70. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-
- a. Inspect any lands or premises which the Council has a right or duty to inspect; or
- b. Issue orders, instructions or directions
- c. Issue or make a statement to the press or media unless authorised to do so by the Council or the relevant committee or sub-committee.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

- 71a. The public shall be admitted to all meetings of the Council and its committees and sub-committees but not working parties, which may, however, temporarily exclude the public by means of the following resolutions:-

“That the Council/Committee resolve to exclude the press and public under the Public Bodies (Admission to Meetings) Act 1960, from the matters set out below on the grounds that it could involve the likely disclosure of private and confidential information or staff matters”.

- 71b. The Council shall state the special reason for exclusion.

72a. At all meetings of the Council the Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

72b. At all meetings of the Council, the Chairman shall adjourn the meeting so as to allow any members of the public to address the meeting in relation to the relevant business to be transacted at that meeting where Council invite a Member having a personal and prejudicial interest in the subject matter under debate to remain only for the purpose of making representations, answering questions or giving evidence relating to the business, in accordance with Order 22 (r) and 63b.

73. The Council have a public question session at ordinary meetings of full Council and a total of 15 minutes is allocated for members of the public to address the Council on any matter relevant to the work of the Council, questions will be asked and answered without discussion. It may introduce a public question session at any of its other meetings. The following operational rules will apply:

a. General

Individual members of the public may speak for up to 5 minutes, but, the Chairman (Mayor) will decide how the period of time is allocated for public speaking and it will be apportioned where there are a number of speakers.

The Council or Member responding to the question may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate committee. Questions will be asked and answered without discussion

It is not required to give notice of the intention to make use of public speaking provision but, as a matter of courtesy, a period of 24 hours notice is encouraged

Members of the public requiring a response, may also ask questions of the Chairman (Mayor) of Council, at any ordinary meeting of that body by giving the requisite notice.

b. Order of questions

Questions will be asked in the order that notice of them was received, except that the person presiding may group together similar questions.

c. Notice of questions

If a question is submitted to the Chief Officer, in writing or by electronic mail, no later than midday 7 working days before the day of the meeting, the question will be responded to at the meeting. Each question must give the name and address of the questioner and must clearly identify the Member of the Council to whom it is to be put.

d. Number of questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of any one organisation.

e. Scope of questions

The Chief Officer may reject a proposed question if it:

- is not about a matter for which the Council has a responsibility or which affects the Town.
- is defamatory, frivolous or offensive.
- is substantially the same as a question which has, in the past six months, been put at a meeting of Council or any Committee or sub-Committee.
- requires the disclosure of confidential information.
- relates to a planning application or any matter of a personal nature.
- discloses no question.

f. Asking the question at the meeting

The chairman of the meeting will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

g. Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

h. Supplementary question

An elector asking a question may ask one supplementary question without notice to the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The Member to whom the supplementary question is asked may deal with it in accordance with g above.

i. Time for electors' questions

The period allowed for putting questions shall be fifteen minutes in total, commencing immediately following the confirmation of the minutes of the previous meeting.



74. The Council have introduced a Public Speaking Session at ordinary meetings of Planning Committee, which Council has the right to suspend or discontinue at its discretion. Public speaking will only apply in relation to planning applications on which the Council is consulted. Interested parties will be able to make statements to Committee, but not ask questions of Committee or of any other party. It will not apply when Committee is considering its response to consultation or planning policy, such as the Local Development Framework, Regional Strategic Planning or supplementary planning guidance.  
The operational rules for Public Speaking at Planning Committee, will be as approved by that Committee and set out in the Members Planning Guide.

### **PETITIONS**

75. At any meeting any Member may present a petition, signed by persons other than Members of the Council, which is relevant to some matter for which the Council has a responsibility or which affects the Town.
- (a) A Member wishing to present a petition shall give notice of his/her intention to do so to the Chief Officer at least twenty-four hours before the beginning of the meeting at which it is to be presented.
  - (b) The presentation of a petition will last for no more than three minutes.
  - (c) No discussion will take place on any petition, but any Member may move that a matter raised by a petition be referred to the appropriate Committee or sub-Committee. Once seconded, such a motion will be voted on without discussion.
76. The Chief Officer shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
77. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting.
78. Working parties and advisory committees are not normally public meetings as they are not formal decision making bodies.

### **CONFIDENTIAL BUSINESS**

- 79a. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b. Any member in breach of the provisions of paragraph (a) of this Standing Order shall be excluded from the confidential part of any meeting of the Council and may also be in breach of the Members Code of Conduct.

## **LIAISON WITH COUNCILLORS OF THE PRINCIPAL AUTHORITY**

80. A notice of meeting of full Council shall be sent together with an invitation to attend, to all Councillors who represent the Town on the Principal Authority. Council may suspend Standing Orders to allow such councillors to address it.

## **PLANNING APPLICATIONS**

- 81a. The Chief Officer shall, as soon as it is received, keep a file copy of every planning application notified to the Council.
- b. The Chief Officer shall refer every planning application received to the Planning Committee for consideration.

## **COMPLAINTS PROCEDURE**

82. The Council shall deal with complaints made against it or by any officer or member in accordance with the Complaints Procedure adopted by the Council, except for those complaints which should be properly directed to the Standards Board or Monitoring Officer for consideration.

## **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

83. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- 84a. A resolution at a meeting to permanently add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- 84b. Standing Order 84a will not apply where the proposed amendment is a response to a written report on a review of Standing Orders, circulated in advance with the Agenda of the Meeting.

## **STANDING ORDERS TO BE GIVEN TO MEMBERS**

85. A copy of these Standing Orders shall be given to each member by the Chief Officer as part of the Constitution upon delivery to him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

## **CONSTITUTION**

- 86a. The Council shall maintain and periodically update a Constitution to advise Members and the public how the Council conducts its business and how decisions are made.
- c. The contents of the Constitution will be determined by Council but will always contain Standing Orders, Standing Orders for Contracts, Financial Regulations, Members' Code of Conduct and the Publication Scheme.

## **TOWN MEETING**

- 87a. The Council will facilitate the annual Town Meeting, to be held between the 1<sup>st</sup> March and 1<sup>st</sup> June (both inclusive) each year.
- b. The Town Council will fix the day and time of the Town Meeting but it must not commence earlier than 6pm.
- c. At least 7 days public notice must be given of the meeting, specifying the time and place thereof and the business to be transacted.
- d. The press and public have the same rights of admission as they have to a meeting of the Town Council.
- e. The Town Mayor, if present presides at the Town meeting or in his/her absence the Deputy Mayor. If neither are present, the meeting elects a chairman from the local government electors for the Town who are present.

## **LEADER OF COUNCIL**

88. The Council may appoint one of its Members as Leader of Council as defined in the Constitution.
89. The Council may appoint one of its Members as Deputy Leader of Council as defined in the Constitution.

## **HONORARY BURGESS**

90. The Council may award a title of "Honorary Burgess" in recognition of service to Congleton Town. There is no legal significance to this title nor does it confer any rights or privileges. Burgesses are however invited to all full Council meetings and sent copies of agendas and non confidential reports.

To mark the conferring of this title, the Council will present the recipient with a document which will take the form of a resolution of the Council.

The number of "Honorary Burgesses" shall be restricted to 25 living persons.

Recipients must be residents of Congleton Town who, by their actions, have served the Town for the benefit of the Community. Employees and sitting Member of the Council shall not be recipients.

## **TRAINING AND DEVELOPMENT**

91. The Council will determine and execute an annual training plan for its Members.

## **CERTIFICATES IN RECOGNITION OF OUTSTANDING SERVICE**

92. The Council may award a Certificate in recognition of outstanding service to an individual, on the recommendation of the Mayor, for service to the Town during the Mayor's year of office.

## **YOUTH COMMITTEE**

93. The Council may make provision for an informal committee of young persons which will operate in accordance with a Constitution approved by Council. Members of the Youth Committee may attend Council meetings and will at the discretion of the Mayor be allowed to make reports, ask questions or raise issues on a specific item on the Council Agenda. They may not ask questions or raise issues under this agenda item for any matter which is the subject of a separate agenda item.
94. The Mayor may, subject to being advised 48 hours in advance of the meeting, ask Council to waive Standing Orders to allow members of the Youth Committee to make a statement or ask a question when any other agenda item is being considered.