

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Council		
MEETING DATE AND TIME	21 st October 2021 7.00pm	LOCATION	Congleton Town Hall
REPORT FROM	Chief Officer		
AGENDA ITEM REPORT TITLE	18 Review of Congleton Town Council's Standing Orders		
Background	<p>Standing Orders are the written rules of a local council and are essential to regulate the proceedings of a meeting. They are an essential part of the Constitution of the Council. The Council's internal audit includes a review of Corporate Governance and a recommendation at the last audit was that the Council's Standing Orders should be reviewed annually. There was a minor update in 2020 but it is some time since they were given a complete review.</p>		
Updates	<p>The National Association of Local Councils (NALC) publish model standing orders for Town and Parish Councils. These contain many statutory requirements for the council to operate within the law. It became apparent when looking at the NALC model that because of the many changes since the last review it would not be possible to incorporate the NALC model into the existing Standing Orders and that the best way forward would be to start with the NALC model and incorporate Congleton's standing orders into it. It would also make it simpler in the future to have an annual review at the annual council meeting and incorporate any additions from NALC into the revised document. The new Standing Orders have items in bold type that are legal and statutory requirements. Appendix (18.1) contains the revised standing orders recommended for adoption by Congleton Town Council and for completeness Appendix (18.22) shows the current standing orders with references on the left-hand side to show where in the new document they appear.</p>		
Decision Requested	To adopt Appendix 18.1 as the Standing Orders for Congleton Town Council and replace the existing ones within the Constitution.		

Congleton Town Council

Standing Orders

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1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply not exceeding 3 minutes either at

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- the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
 - p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
 - q A point of order shall be decided by the Chair of the meeting and their decision shall be final.
 - r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
 - s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of

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reply.

- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

2. Disorderly conduct at meetings

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

3. Meetings generally

Full Council meetings	●
Committee meetings	●
Working Groups	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

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- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes in total unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall either raise his hand or use an automated system, when requesting to speak. Traditionally Councillors and Officers have stood when speaking in Council meetings, however they may remain seated, unchallenged, if they choose to do so.
- j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his absence be done by, to or before the Deputy Mayor of the Council.**
- p **The Mayor, if present, shall preside at a meeting. If the Mayor is absent**

from a meeting, the Deputy Mayor of the Council if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

See standing orders 6(h) and 6(i) for the different rules that apply in the election of the Mayor at the annual meeting of the Council.

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- u **A councillor who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

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- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4f(vii) for the quorum of a committee or sub-committee meeting.

- w **If a meeting is or becomes inquorate no business shall be transacted** and
- the meeting shall be closed. The business on the agenda for the meeting shall
- be adjourned to another meeting.

- x A meeting shall not exceed a period of 2 hours unless council members vote to continue beyond 2 hours.

4. Committees and sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d Non-councillors on a committee do not have voting rights.
- e The Mayor and Deputy Mayor shall be members of every committee.
- f The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
 - vi. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a working group which, in both cases, shall be three members or a third of its total membership whichever is the larger.
 - viii. shall determine if the public may participate at a meeting of a committee;
 - ix. shall determine if the public and press are permitted to attend the

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meetings of a working group and also the advance public notice requirements, if any, required for the meetings of a working group;

- x. shall determine if the public may participate at a meeting of a working group that they are permitted to attend; and
- xi. may dissolve a committee or a working group.

5. Presence of Non-members of Committees at Committee meetings.

- a. A member who has proposed a resolution which has been referred to any committee of which they are not a member, may explain their resolution to the committee but shall not vote.
- b. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or working group of which they are not a member

6. Ordinary council meetings

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place in Congleton Town Hall at 7pm.**
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- f. **The Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g. **The Deputy Mayor, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.**
- h. **In an election year, if the current Mayor has not been re-elected as a member**

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of the Council, they shall preside at the annual meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but shall give a casting vote in the case of an equality of votes.

- i **In an election year, if the current Mayor has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Mayor has been elected. They may exercise an original vote in respect of the election of the new Mayor and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Mayor and Deputy Mayor at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Mayor and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, working groups, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the

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future;

- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's complaints procedure;
- xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 12, 21 and 22*);
- xvii. Review of the Council's policy for dealing with the press/media;
- xviii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

7. Extraordinary meetings of the council, committees and working groups.

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

8. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Chief Officer in accordance with standing order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) has been disposed of,

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no similar motion may be moved for a further six months.

9. Voting on appointments

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

10. Motions for a meeting that require written notice to be given to the Chief Officer

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Chief Officer at least 7 clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Chief Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Chief Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Chief Officer at least 7 clear working days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Chief Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Chief Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Chief Officer of

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the reason for rejection.

11. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Chief Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

12. Management of information

See also standing order 21.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

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- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

13. Draft minutes

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council's gross annual income or expenditure (whichever is higher)**
- **does not exceed £25,000, it shall publish draft minutes on a website which**

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- **is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 13(e) and standing order 21(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. Code of conduct and dispensations

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b In line with the Members' Code of Conduct 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. Any member in breach of 14b 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.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- d Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- e **Dispensation requests shall be in writing and submitted to the Chief Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- f A decision as to whether to grant a dispensation shall be made by the Chief Officer and that decision is final.
- g A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

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- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 14(d) and (f), a dispensation request shall be considered by the Chief Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- i A dispensation may be granted in accordance with standing order 14(e) if having regard to all relevant circumstances any of the following apply:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. it is otherwise appropriate to grant a dispensation.**

15. Code of conduct complaints

- a Upon notification by the Monitoring Officer of Cheshire East Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Chief Officer shall, subject to standing order 12, report this to the Council.
- b Where the notification in standing order 15(a) relates to a complaint made by the Chief Officer, the Chief Officer shall notify the Mayor of this fact, and the Mayor shall nominate another staff member to assume the duties of the Chief Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 15(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by CEC's Monitoring Officer that a councillor or non-**

councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

16. Proper Officer

- a The Proper Officer shall be the Chief Officer or (ii) other staff member(s) nominated by the Council to undertake the work of the Chief Officer when the Chief Officer is absent.
- b The Chief Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by email authenticated in such manner as the Chief Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. hold acceptance of office forms from councillors;
 - vi. hold a copy of every councillor's register of interests;
 - vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - ix. assist in the organisation of, storage of, access to, security of and

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destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- x. arrange for legal deeds to be executed;
(*see also standing order 24*);
- xi. refer a planning application received by the Council to the Chair or in his absence the Vice-Chair of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
- xii. manage access to information about the Council via the publication scheme.

17. Responsible financial officer

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

18. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The duties of the Responsible Financial Officer shall include:
 - 1. To prepare financial reports for the Finance and Policy Committee and/or the Council.
 - 2. To prepare draft estimates. When approved by Council these will form the basis of budget monitoring during the year. To report thereon to Finance and Policy Committee.
 - 3. To submit the precept requirements to CEC and supply any breakdown requested.
- d The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March.

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A completed draft annual governance and accountability return shall be presented to the Finance and Policy committee prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

19. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required as agreed either 3 or 4 times annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;

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- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Chief Officer;
 - v. tenders shall be opened by the Chief Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

20. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Personnel committee is subject to standing order 12.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel committee or, if they are not available, the vice-Chair of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel committee at its next meeting.
- c The Chair of Personnel committee and the vice-Chair shall conduct a review of the performance and annual appraisal of the work of Chief Officer.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Personnel committee or in their absence, the vice-Chair of the Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records referred to in standing order 20(e).

21. Responsibilities to provide information

See also standing order 22.

- a. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

22. Responsibilities under data protection legislation

Below is not an exclusive list. See also standing order 12.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

23. Relations with the press/media

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

24. Execution and sealing of legal deeds

See also standing order 16(x)

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 24(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Chief Officer shall witness their signatures.**

25. Communicating with unitary councillors

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

26. Restrictions on councillor activities

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

27. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Chief Officer in accordance with standing order .
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

28. Constitution

- a. 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.
- b. 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.

29. Town Meeting

- a. The Council will facilitate the Town Meeting, to be held between the 1st March and 1st 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.

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- 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 Chair from the local government electors for the Town who are present.

30. Honorary Burgess

- a The Council may award the 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 .
- b 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.
- c The number of “Honorary Burgesses” shall be restricted to 25 living persons.
- d Recipients must be residents of Congleton Town who, by their actions, have served the Town for the benefit of the Community. Employees and sitting members of the Council shall not be recipients.

31. Certificates in Recognition of Outstanding Service.

- a 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.

32. Youth Committee

- a 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 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.
- b 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.

CONGLETON TOWN COUNCIL
STANDING ORDERS

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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 Chair shall also apply to the powers and duties of the Town Mayor.

CHAIR 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 Chair 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 Chair 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 a signed non disclosed ballot. The ballot papers shall be provided and collected by the Chief Officer who will announce the outcome of the vote and record the quantity of votes in favour, against, and abstentions within the minutes without disclosing names.
- 7a) Members shall vote by show of hands or, if at least two members so request, by a signed disclosed ballot. The ballot papers shall be provided and collected by the Chief Officer who will announce the outcome of the vote by reading out the Individual ballot papers.
8. If a member so requests, the Chief Officer shall record the names of the members who voted on the specific agenda item so as to show whether they voted for, against or abstained. Such a request must be made before the vote and the names will be recorded following a show of hands in the sequence of those in favour, against and any abstentions. The recorded named vote will be included within the published minutes.
- 9a. Subject to (b) and (c) below the Chair 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 Chair may not give an original vote in the election of the Chair 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 Chair.

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 Chair 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 Chair as a correct record.
 - c. To deal with business expressly required by statute to be done.
 - d. To receive such communications as the presiding Chair 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 Chair or by any member and, if proposed by the Chair, 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 Chief Officer 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 Chair 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.

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- 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 Chair 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 Chair 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 Chair.
- 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 Chair, 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.

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- 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. Traditionally Councillors and Officers have stood when speaking in Council meetings, however they may remain seated, unchallenged, if they choose to do so.

32. a. the ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b. Members shall address the Chair.
- c. If two or more members rise, the Chair shall call upon one of them to speak and the others shall resume their seat.
- d. Whenever the Chair 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 Chair 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/she 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 Chair, 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 Chair, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chair 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 Chair 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 Chair 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.

ACCOUNTS AND FINANCIAL STATEMENT

- 44.a. 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 Chair or Vice-Chair 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 31st 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

- 46 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 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 and Deputy Mayor shall be members of every committee.

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49. Every committee shall at its first meeting before proceeding to any other business, elect a Chair and a Vice-Chair 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 Chair 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 Chair and Vice-Chair 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 Chair 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. Chair 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/she 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.

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- (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/her 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/her 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 Chair 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 Chair 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 Chair (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 Chair (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.

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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 Chair 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 Chair to put the question on their behalf. The Chair 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

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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 Chair 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

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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/her 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.
- b. 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 1st March and 1st 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 Chair from the local government electors for the Town who are present.

HONORARY BURGESS

88. 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

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

CERTIFICATES IN RECOGNITION OF OUTSTANDING SERVICE

90. 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

91. 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.

92. 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.