



Bollington

TOWN COUNCIL

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Standing Orders

These Standing Orders were adopted by the Council at its meeting held on 7th June 2022.

This version of Standing Orders supersedes any previous versions.

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Table 1 Document Version Control

Version	Date	Initials	Comment
00.01_2022	May 2022	HW	General review and update
01.00_2022	07/06/2022	HW	Adopted by Full Council

1. Introduction

- a. These Standing Orders were adopted by Council on 7th June 2022 and replace all previous versions.
- b. Standing orders are the written rules of a local council and are essential to regulate the proceedings of a meeting. The Council also use these standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders are not the same as the policies of a council but may refer to them.
- c. Local councils operate within a wide statutory framework and these Standing Orders reference many statutory requirements to which councils are subject. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.
- d. **Standing Orders** are one of the council's principal governing policy documents providing procedural guidance for members and officers. They must be observed in conjunction with the council's **Financial Regulations**.
- e. Standing orders that are in **bold type** contain legal and statutory requirements, such standing orders may not be suspended. Standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements.
- f. The word "councillor" is used in the standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

2. Rules of debate at meetings

Applies to all council, committees and sub-committees.

- 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- c. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h. A Councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- j. Subject to standing order 2(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k. One or more amendments may be discussed together if the Chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l. A Councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;

- iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p. During the debate of 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 they are 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 requirements.
- s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t. Excluding motions moved under Standing Order 2(r) above, 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.

3. 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 3(b) above 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.

4. Meetings generally

Letter code	Colour code	Meeting
FC	■	Full Council meetings
C	■	Committee meetings
SC	■	Sub-committee meetings

FC	■	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.
FC	■	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	■	c. The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
C FC	■ ■	d. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
		e. Bollington Town Council is committed to transparency, clarity and courtesy in all its relations with of the public. Members of the public are warmly welcomed to attend and observe Bollington Town Council meetings and subject to the following to make contribution.
		f. When members of the public attend the Chair will ask them if they wish to make a contribution.
		g. 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.
		h. The period of time designated for public participation at a meeting in accordance with standing order 4 d shall not exceed 30 minutes unless directed by the chair of the meeting. The chair may permit other interactions should that become necessary at

		other points on the agenda.
		i. Members of the public who speak will be limited to 5 minutes. Where there are a group of people the Chair will ask for a spokesperson so as not to have information repeated. Where the item is complex the Chair can give a special dispensation to exceed 5 minutes.
		j. Members of the public will not be expected to engage in the Council debate and if they wish to speak again or reply to an issue raised, they will request permission from the Chair to speak.
		k. The Chair, as always, has absolute control over the meeting and any member of the public who ignores a Chair's ruling on an issue of behaviour will be asked to leave.
		l. Members of the public should not be invited to sit alongside Councillors unless specific permission is granted by the Chair. Two seats will be reserved on the front row adjacent to the window of the Council Chamber for speakers to occupy when they are addressing the Council.
		m. In accordance with standing order 4(g) above, 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.
		n. A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
		o. 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.
C FC	■ ■	p. Subject to standing order 4(n), 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.
		q. The Chair should have regard if filming takes place, that members of the public may not wish to be filmed. This right must be taken up without disturbing the meeting.
C FC	■ ■	r. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
C FC	■ ■	s. 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.

FC	■	t. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor of the Council may in their absence be done by, to or before the Deputy Town Mayor of the Council.
FC	■	u. The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Town Mayor and the Deputy Town Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
SC C FC	■ ■ ■	v. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.
SC C FC	■ ■ ■	w. 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. <i>See standing orders 7(i) and 7 (k) below for the different rules that apply in the election of the Town Mayor of the Council at the annual meeting of the Council.</i>
		x. 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
		y. The minutes of a meeting shall include an accurate record of the following: <ul style="list-style-type: none"> i. the time and place of the meeting; ii. the names of Councillors present and 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.
SC C FC	■ ■ ■	z. A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.

FC	■	aa. 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. <i>See standing order 6d (viii) below for the quorum of a committee or sub-committee meeting.</i>
SC C FC	■ ■ ■	bb. 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.
		cc. A meeting shall not exceed a period of 2.5 hours, unless the Council or Committee vote to continue beyond this period.

5. Members Attendance

- a. There is a legal requirement of Town Councillors not only to give apologies for absence but to give reasons for apologies.
- b. A Councillor who fails to attend a meeting of the whole Council, Committee, Sub Committee or Joint Committee for a period of six consecutive months and the reason for this absence is not approved will be contacted in writing by the Town Mayor, immediately the six-month period of absence is met. At the next Council meeting Councillors will be updated and a decision made whether to give the six-month absent Councillor a dispensation.
- c. Members have an obligation to be a member of Committees normally a minimum of two per Councillor and they have an obligation to the Council and constituents to make every effort to attend them.
- d. Councillors have an obligation to their constituents to regularly represent them.
- e. Should circumstances arise where a Councillor could not attend meetings for a period of time due to work, illness or family responsibilities the Councillor would be expected to inform the Town Mayor and the Proper Officer and to agree a future course of action.
- f. Should the occasion arise where a Councillor is not fulfilling expectations without explanation the Councillor will be requested to attend a meeting with the Town Mayor and the Proper Officer to resolve the situation.
- g. If necessary, the Councillor will be invited to resign and a process of securing a replacement member will be initiated.

6. 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. Substitutes may be used by Councillors. It is their responsibility to find a substitute and notify the Proper Officer and Chair of the relevant meeting. Substitutes must be a Councillor and will be afforded voting rights at the meeting.
- e. The Council may appoint committees, other committees or working groups as may be necessary and.
 - i. shall approve their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a committee up until the date of the next annual meeting of full 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 6(b) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 6(b) appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer prior to the start of the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a committee, appoint the Chair of the committee;
 - vii. shall permit a committee to appoint its own Chair at the first meeting of the committee;
 - viii. the Chair shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. the Chair shall determine if the public may participate at a meeting of a committee;
 - x. the Chair shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

- xi. the Chair shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend;
 - xii. the Council shall request that timely minutes are provided by the Proper Officer or delegated member of staff, and
 - xiii. the Council may dissolve a committee.
- f. The current committees are:
 - i. Planning and Town Development,
 - ii. Finance and Audit,
 - iii. Community and Environment,
 - iv. Personnel, Policy and Governance,
 - v. Facilities.
 - g. Each Town Council ward must have at least one representative assigned to each committee although it is not a requirement that each ward be represented at every meeting.

7. 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 new Councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place 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 directs.**
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Town Mayor and Deputy Town Mayor of the Council.**
- f. **The Town Mayor of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g. **The Deputy Town Mayor of the Council, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Town Mayor of the Council at the next annual meeting of the Council.**
- h. **In an election year, if the current Town Mayor of the Council has not been re-elected as a member of the Council, they shall preside at the**

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

- i. **In an election year, if the current Town Mayor of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Town Mayor of the Council has been elected. They may exercise an original vote in respect of the election of the new Town Mayor of the Council and must give a casting vote in the case of an equality of votes.**
- j. **Declarations by councillors of any interests they may have in items on the agenda, clearly stating the kind of interest as set out in the Councillor Code of Conduct.**
- k. Following the declaration of interests at the annual meeting, the business (unless agreed at a previous Council meeting or to be conducted as business at the next meeting of Council) shall include:
 - i. **In an election year, delivery by the Town Mayor of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Town Mayor of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 6 above;
 - ix. Review of appropriate standing orders, standing orders in relation to contracts and financial regulations, or confirmation that such a review has taken place within the previous year;
 - 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 future;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;

- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council;
 - i. To consider motions with notice in the order in which they have been notified, unless the Town Mayor rules otherwise.
 - ii. To receive and consider reports from officers of the Council.
 - iii. To consider reports from councillors representing the authority on outside bodies and from Ward Councillors.
 - iv. To authorise the approval of payments unless considered as part of a Report from Finance & Audit Committee.

8. Extraordinary meetings of the Council and committees and sub-committees

- a. **The Town Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Town Mayor of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any 2 Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the 2 Councillors.**
- c. The Chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time after taking advice from a Proper Officer.
- d. If the Chair of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee or the sub-committee, any 3 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

9. 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 5 Councillors to be given to the Proper Officer in accordance with standing order 10 below, 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 9(a) above has been disposed of, no similar motion may be moved within a further six months.

10. 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. Voting shall normally be by a show of hands unless at least two members request a signed secret ballot.

11. Motions for a Council meeting that require written notice to be given to the Proper Officer

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for 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 Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 11(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 11(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper 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. Subject to standing order 11(e) above, the decision of the Proper 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 Proper Officer for their rejection.

12. Motions at a Council meeting that do not require written notice

- a. The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive 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 requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

13. Management of Information

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

justification.

14. Draft minutes

- a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 12(a)(i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e. **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 is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f. Following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes for which approved minutes exist shall be destroyed and removed from the website. The approved minutes will be published on the Council’s website within 2 weeks of approval.
- g. Any amendments to draft minutes shall be subject to a motion for vote and the amendment minuted.

15. Code of conduct and dispensations

See also standing order 4(z) above.

- a. All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.

- b. All councillors must, in accordance with the Code of Conduct currently adopted by the Council, register in Cheshire East Council's Register of Councillors' Interests, details of their Disclosable Pecuniary Interests and other interests stated in the Code, by completing the appropriate form and delivering this to the Proper Officer, who will forward it to the Monitoring Officer.
- c. Councillors must keep their registered interests up to date by completing the appropriate form and delivering this to the Proper Officer, who will forward it to the Monitoring Officer. The Proper Officer will send out forms prior to the Annual Town Council meeting each year, to give members the opportunity to update their interests in the Register.
- 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 a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- e. 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.
- f. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- g. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- h. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- i. Subject to standing orders 15(f) and (h) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- j. **A dispensation may be granted in accordance with standing order 15(g) above if having regard to all relevant circumstances the following applies:**

- 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 or**
- 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.**

16. Code of conduct complaints

- a. Upon notification by Cheshire East 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 Proper Officer shall, subject to standing order 15 above, report this to the Council.
- b. Where the notification in standing order 16(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Town Mayor of Council of this fact, and the Town Mayor shall nominate another staff member to assume the duties of the Proper 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 16(d) below.
- c. The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d. **Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

17. Proper Officer

- a. The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
 - i. **at least three clear days before a meeting of the Council, a committee, serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper**

Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillors have 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 4(b) above for the meaning of clear days for a meeting of a full Council and standing order 4(c) above for a meeting of a committee.

- ii. subject to standing order 11 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 1 day before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of full Council for the election of a new Town Mayor of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under the freedom of information and rights exercisable under data protection legislation, in accordance with and subject to the Council's policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (eg the Limitation Act 1980);
- xii. arrange of legal deeds to be executed;
See also standing order 26 below.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
- xiv. For planning applications received by the Council where the closing date for comments requires consideration before the next Planning & Town Development committee meeting or Full Council meeting, the Chair of Planning, Town Mayor and Town Clerk shall have delegated authority to submit a response if necessary, convene an Executive 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 Committee.
- xv. manage access to information about the Council via the publication scheme; and

- xvi. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
See also standing order 26 below.

18. 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.

19. 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 Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments for each quarter;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

20. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering processor 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 20(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.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised on Public Contracts website and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper 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 £213,447 for a public service or supply contract or in excess of £5,336,937 for a public works 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, Find-a-Tender and in OJEU.¹**
- 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 £363,424 for a supply, services or design contract; or in excess of £5,336,937 for a works contract; or £820,370 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.**

21. The Mayoralty – Code of Practice

a. General

The Mayoralty is the most exalted position within the gift of the Authority and members, officers and staff must, at all times, respect the Town Mayor and show deference to the office. The Town Mayor's authority is derived from the Local Government Act of 1972, Section 14, and the Town Mayor's application of any of the Standing Orders or as to the proceedings of the Council, should not be challenged.

Should the Town Mayor be unable to continue in office, then the Deputy Town Mayor will commence their term of office as Town Mayor; will be installed in the usual way at the next full meeting of the Council, and will serve as Town Mayor until both the end of the current year and the end of the following year when their expected term as Town Mayor has been completed. At the same meeting a Deputy Town Mayor will be elected, following the procedure set out in paragraph g. below. This procedure will

¹ Changes to contract thresholds are advised by CHALC

also be used if there is a need to replace a Deputy Town Mayor for any reason during the year.

b. Policy Developments

The Town Mayor, throughout their term of office, should remain impartial in all matters of policy and should not be involved in the direction of affairs unless, exceptionally, in their opinion it would clearly be in the public interest to do so.

c. Political Events

The Town Mayor and Deputy Town Mayor should take no active involvement in political events, particularly political meetings, and should not attend group meetings during their year of office. A group meeting is defined as a meeting held by Councillors of any one political party convened to discuss agenda items relevant to a forthcoming meeting of the Town Council. The only exception to this being the period immediately prior to an election when the holder of the office is standing for re-election.

d. Selection of Town Mayor

The Deputy Town Mayor in any year will succeed to the Mayoralty the following year subject to their holding office.

e. Town Mayor's Public Functions

The Town Mayor shall, during the year of office, hold one Civic Function to which the public are invited:

i. A Civic Service

f. Mayoral Regalia

The Town Mayor and Deputy Town Mayor should wear their Chains and Badges of Office at all Council Meetings and on all formal occasions within the town.

They should also wear their regalia when attending functions within the Town boundary. When attending functions outside the Town boundary the wearing of the Chains and Badges of Office will be with the prior permission of the Authority(ies) in which the function is taking place.

All invitations to the Town Mayor to attend functions at which the public have also been invited, must be addressed to the Town Mayor or otherwise notified to him/her by the Town Manager so that a reply can be given and the event noted in a diary kept for that purpose.

In the event when neither the Town Mayor nor the Deputy Town Mayor is available for civic duty, a previous Town Mayor (with medallion), currently serving on the Council, will be requested to deputise subject to the prior agreement of the organisation or person who issued the invitation.

g. The Deputy Town Mayor Elect

Process and Criteria for Selection

At the December meeting of the Council the Agenda will include a reminder to members that nominations are requested for the position of Deputy Town Mayor Elect. Nominations must be made on or before the Tuesday preceding the January Council meeting. These should be in writing or by email to the Proper Officer

Nomination Criteria:

- Nominations must be made by the individual wishing to be Deputy Town Mayor Elect

At the January Council meeting nominated members will be asked to give a short presentation regarding their suitability for the role.

In selecting the Deputy Town Mayor Elect the Council will take the following into account:

- Experience gained
- Other Community Activities

In arriving at their choice of Deputy Town Mayor Elect the members will vote by a secret ballot. The Town Mayor will use their casting vote where there is a tie.

h. The Town Mayor's Consort

There is no legal status for this office, the appointment being made on the invitation of the Town Mayor.

i. The Town Mayor's Chaplain

There is no legal status for this office, the appointment being made on the invitation of the Town Mayor.

j. Civic Ceremonial and Procedure

The former Town Mayor will be presented with a medallion as a memento of the year of office and this will be worn at the Annual Council Meeting, on Civic Sunday, and on any other Civic occasions. A photograph of the past or present Town Mayor may be hung in the Council Chamber at the discretion of the member concerned.

k. Christmas Cards

The design of the Christmas cards is the choice of the Town Mayor. The Town Mayor has discretion to send cards to a number of individuals in addition to the official list.

- I. Should the Town Mayor or Deputy Town Mayor bring the Council into disrepute by reason of arrest, prosecution or proven misconduct, the Proper Officer in consultation with the Town Mayor or Deputy, as appropriate in the circumstances, will place an item on the next available Council Meeting to debate the matter. At that meeting the matter will be discussed with the public excluded. At this meeting the Council may do one or more of the following:
 - Suspend the member from being the Town Mayor or Deputy Town Mayor until the matter is resolved
 - Install a replacement Town Mayor or Deputy Town Mayor for that interim period
 - Replace the Town Mayor or Deputy Town Mayor for the remainder of their year in office.

The choice of any temporary replacement will be decided by the Council based on nominations and a secret ballot as in 21 (g)

Should the Deputy or Town Mayor be unable to continue in office for any other reason than listed in SO19I then the Council will choose a new Town Mayor or Deputy Town Mayor also based upon nominations and a secret ballot as in the 21 (g).

22. 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 13 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel Committee or, if they are not available, a member of the Personnel Committee of actual or likely prolonged periods of absence or repeated absences 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 or in their absence, a member shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Personnel Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair of Personnel Committee or in their absence, the vice-Chair of Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Personnel Committee.

- e. Subject to the Council's policy regarding the handling of grievance matters, if a grievance matter raised by an employee relates to the Chair of the Personnel Committee, this shall be communicated to another member of Personnel Committee, which shall be reported back and progressed by resolution of Personnel Committee.
- f. 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.
- g. In accordance with standing order 13(a), persons with line management responsibilities shall have access to staff records referred to in a standing order 22(f).

23. Responsibilities to Provide Information

- 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.

24. Responsibilities Under Data Protection Legislation

(Below is not an exclusive list)

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

25. 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.

26. Execution and sealing of legal deeds

See also standing orders 17(b)(xii) and (xvi) above.

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to standing order 26(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.**

27. Communicating with District and County or Unitary Councillors

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

28. Restrictions on Councillor activities

- a. Unless authorised by a resolution, 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.

29. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory 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

requirements, shall be proposed by a special motion, the written notice by at least 5 Councillors to be given to the Proper Officer in accordance with standing order 10 above.

- c. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after they has delivered their acceptance of office form.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

30. Training and development

- a. The Council will maintain a Training and Development Policy for members and officers. They will determine and execute an annual training plan for members.

31. Prayers at Council

- a. If the Council has adopted the General Power of Competence, it may if it wishes include prayers as part of the Council meeting.
- b. If the Council is not eligible to adopt the General Power of competence and it wishes to hold prayers, prayers may take place before commencement of the meeting, but Members cannot be summoned to attend.

32. Complaints against the Council or an officer

- a. The Council shall deal with complaints made against it in accordance with its Complaints Policy adopted by the Council, except for those complaints which should be properly directed to the Monitoring Officer or to any other regulatory body listed in the Complaints Procedure for consideration. (see also Standing Order 16 regarding Code of Conduct complaints).