



ALSAGER TOWN COUNCIL

STANDING ORDERS

REVISED JUNE 2018

**ALSAGER TOWN COUNCIL
STANDING ORDERS
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STANDING ORDERS

For regulation of the business of the Town Council

NOTE: Standing Orders in BOLD may not be suspended.

1. MEETINGS

- 1.1. Meetings of the Town Council shall be held at The Alsager Institute, Green Drive, off Sandbach Road North, Alsager, at 7.15pm, unless the Council otherwise.
- 1.2. **In a year when there is an ordinary election of Town Councillors, the Annual Meeting will take place within 14 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in May as the Town Council may determine.**
- 1.3. **All other Ordinary Meetings of the Town Council shall be held on a Tuesday on such dates agreed at the commencement of the Civic Year and contained in the Calendar of Meetings.**
- 1.4. **In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.**
- 1.5. **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. Smoking is not permitted in any meeting of the Council, committee, sub-committee, management committee, working party or informal meetings.**
- 1.6. **When calculating the three clear days for notice of a meeting to councillors and the public 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 shall not count.**
- 1.7. **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.**
- 1.8. Photographs, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted in line with the Social Media Policy adopted by the Town Council.
- 1.9. The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

- 1.10. The Minutes of a meeting shall record the names of Councillors present and absent.
- 1.11. The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- 1.12. An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- 1.13. No business may be transacted at a meeting unless a quorum is present as indicated in standing order 5.

2. PUBLIC PARTICIPATION AT TOWN COUNCIL MEETINGS OR ITS COMMITTEES

2.1 At any ordinary meeting of the Town Council or its Committees, to which the press and public are admitted, any elector registered within Alsager may ask the Chairman any question on any matter in relation to which the Town Council has power and duties. The following provisions applying to such questions:

- (a) Question time will follow immediately after the confirmation of the Minutes of the previous Council meetings and will be limited to **TWENTY MINUTES** duration.
- (b) Questions may be put orally or by reference to a written notice that must be handed to the Proper Officer before the meeting commences.
- (c) Any discussion shall be at the discretion of the Chairman and within the time limitation. Unless the subject is already itemised on the Agenda, it shall be automatically referred to the next meeting of the Town Council or relevant committee as appropriate.
- (d) The Chairman shall announce that a Member of the Public shall be allowed to speak only once during the Public Participation Period. In the event of more than one speaker wishing to put a question the Chairman shall deal with them in order.
- (e) The Chairman shall direct any dialogue between Councillors of the Town Council and the public during the Public Participation Period, seeking where possible, the avoidance of all ill-humoured or offensive verbal exchanges.

3. CHAIRMAN OF MEETING

- 3.1 The Chairman of the Council will preside at the Council meetings. In the absence of the Chairman of the Council; the Vice Chairman of the Council will preside.
- 3.2 If both the Chairman and Vice Chairman of the Council are absent, the Council will approve a chairman from amongst the Councillors present.
- 3.3 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

4. PROPER OFFICER

- 4.1 The Council's Proper Officer shall be either (i) the Town Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the absence of the Proper Officer. The Proper Officer and employee appointed to act as such during the Proper Officer's absence shall fulfill the duties assigned to the Proper Officer in these Standing Orders.
- 4.2 The Council's Proper Officer shall do the following:
 - (i) **Serve on councillors by post or by electronic means at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee or sub-committee at least three clear days before the meeting.**
 - (ii) **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee or sub-committee provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them.**
 - (iii) Subject to standing order 6 (6.1 – 6.10) below, include in the agenda all motions in the order received unless a councillor has given written notice at least three clear days before the meeting confirming his/her withdrawal of it.
 - (iv) **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her Office in accordance with Standing Order 4.2(i) above.**
 - (v) Make available for inspection the minutes of meetings.
 - (vi) **Receive and retain copies of Bye-laws made by other local authorities.**
 - (vii) Receive and retain Declarations of Office from councillors.
 - (viii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

- (ix) Keep proper records required before and after meetings.
- (x) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 in accordance with and subject to the Council's procedures relating to the same.
- (xi) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- (xii) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- (xiii) Arrange for legal deeds to be sealed and witnessed.
- (xiv) Arrange for prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- (xv) Record every planning application notified to the Council and the Council's response to the local planning authority.
- (xvi) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- (xvii) Manage access to information about the Council via the publication scheme.

5. QUORUM

- 5.1. **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.**
- 5.2. Five Councillors shall constitute a quorum of the Council and the Chairman of the Council is ex-officio member of all Committees.
- 5.3. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix, except for the determination of urgent matters when the decisions from an informal meeting may be confirmed at the next meeting of the Council.
- 5.4. Four councillors shall constitute a quorum of the Planning, Environmental and Community Committee.
- 5.5. Four councillors shall constitute a quorum of the Finance Policy and Governance Committee.
- 5.6. Four Councillors shall constitute a quorum of the Personnel Committee
- 5.7. Three Councillors shall constitute a quorum of the Civic & Services Committee
- 5.8. Three Councillors shall constitute a quorum of the Institute Committee.

6. ORDER OF BUSINESS

- 6.1. At each Annual meeting, the first business shall be
 - (a) **To Elect a Chairman**
 - (b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
 - (c) To decide when any declaration of acceptance of office which has not been received as provided by law shall be received.
 - (d) To appoint a Vice-Chairman.
 - (e) To receive the Vice-Chairman's declaration of Acceptance of Office or, if not then received to decide when it shall be received.
 - (f) In an ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

- (g) To appoint representatives on outside bodies.
 - (h) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
 - (i) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
 - (j) In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- 6.2. Following the election of the Chairman of the Council and appointment of a Vice-Chairman of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
- (a) In an election year, delivery by the Chairman 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 Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - (b) Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - (c) Receipt of the minutes of the last meeting of a committee;
 - (d) Consideration of the recommendations made by a committee;
 - (e) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - (f) Review of the terms of reference for committees;
 - (g) Appointment of members to existing committees;
 - (h) Review and adoption of appropriate standing orders and financial regulations;
 - (i) Review of any agency agreements with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - (j) Review of presentation on or work with external bodies and arrangements for reporting back;

- (k) Review of inventory of land & assets including buildings & office equipment.
 - (l) Confirmation of arrangements for insurance cover in respect of all insured risks;
 - (m) Review of the Council's and/or staff subscriptions to other bodies;
 - (n) Review of the Council's complaints procedure;
 - (o) Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - (p) Review of the Council's policy for dealing with the press/media; and
 - (q) Determining the time and place of ordinary meetings of the Town Council up to and including the next annual meeting of full Council.
- 6.3. At all the Ordinary Meetings of the Town Council the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent.
- 6.4. 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 for accuracy 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 person presiding as a correct record.
 - (c) To deal with business expressly required by statute to be done.
 - (d) To dispose of business, if any, remaining from the last meeting.
 - (e) To receive such communications as the person presiding may wish to lay before the Council.
 - (f) To answer questions.
 - (g) Other business specified in the Agenda.
- 6.5. A motion to vary the order of business on the grounds of urgency
- (a) may be proposed by the Chairman or by any Member and, if proposed by the Chairman may be put to the vote without being seconded, and
 - (b) shall be put to the vote without discussion.

- 6.6. 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 Proper Officer.
- 6.7. The Proper Officer shall insert in the summons for every meeting all notices of motion or recommendation.
- 6.8. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it by any other councillor, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 6.9. Every resolution or recommendation shall be relevant to some question over which the Council has power, or which affects its area.

7. MOTIONS REQUIRING WRITTEN NOTICE

- 7.1 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- 7.2 In accordance with standing order 6.7 above no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least three clear days before the next meeting.
- 7.3 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 7.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 7.4 If the Proper Officer considers the wording of a motion received in accordance with 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 in clear and certain language at least three clear days before the meeting.
- 7.5 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman 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 or rejected in the agenda.
- 7.6 Having consulted the Proper Officer or councillors pursuant to standing order 7.4 above the decision of the Chairman as to whether or not to include the motion in the agenda shall be final.

8. MOTIONS MOVED WITHOUT WRITTEN NOTICE

8.1. Motions dealing with the following matters may be moved without written notice: -

- a) To appoint a Chairman of the meeting.
- b) To approve the absences of councillors.
- c) To approve the accuracy of minutes of the previous meeting
- d) To correct an inaccuracy in the minutes of the previous meeting.
- e) To alter the order of business.
- f) To proceed to the next business.
- g) To close or adjourn the debate.
- h) To refer a matter to a committee/sub-committee/management committee.
- i) To appoint a committee or any members thereto.
- j) To receive nominations to a committee or sub-committee.
- k) To dissolve a committee or sub-committee.
- l) To note the minutes of a meeting of a committee or sub-committee.
- m) To consider a report and/or recommendations made by a committee or sub-committee or an employee.
- n) To adopt a report from a committee/sub-committee/management committee.
- o) To consider a report and/or recommendations made by an employee/professional advisor, expert or consultant.
- p) To authorise the legal deeds and the signing of legal documents.
- q) To amend a resolution.
- r) To give leave to withdraw a resolution or an amendment.
- s) To extend the time limit in debate.
- t) To exclude the public and press.
- u) To silence or exclude from the meeting a councillor or member of the public for disorderly conduct.

- v) To give the consent of the Council where such consent is required by these Standing Orders.
- w) To suspend any Standing Orders, except those which are mandatory by law.
- x) To adjourn the meeting.
- y) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- z) To answer questions from councillors.

8.2. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

9. QUESTIONS

- 9.1 A member may ask the Chairman or the Proper Officer any question concerning the business of the meeting.
- 9.2 Questions not connected with business under discussions on the agenda shall not be asked except with the permission of the Chairman.
- 9.3 Every question shall be put and answered without discussion.

10. RULES OF DEBATE FOR COUNCIL MEETINGS

- 10.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialed by the Chairman.
- 10.2 (a) **Respect for the Chairman:**
When the Chairman rises during a debate, any councillor must immediately stop speaking and the Council must be silent.
- (b) **Standing when Speaking:**
A councillor, when speaking, must address the Chairman, unless the Chairman decides otherwise.
- (c) **Chairman to decide order of speaking:**
If two or more councillors indicate their wish to speak, the Chairman will call on one to speak.

- 10.3 (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- (b) A Councillor when seconding a resolution or amendment, may, if he then declares his intention to do so, reserve his speech until a later period in the debate.
- (c) A Councillor shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed three 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 motion before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
- (j) A Councillor may make a point of order or a personal explanation. A Councillor rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (k) A motion or amendment may be withdrawn by the proposer and with the consent of the seconder and the Council, which shall be signified without discussion, and no Councillor may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (l) 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 councillor named be not further heard.
- (vi) That a councillor named do leave the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the press and public.
- (ix) To adjourn the meeting.

(m) Other speeches to the motion shall not exceed three minutes.

11. VOTING

11.1. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or committees with voting rights present & voting.

11.2. Councillors shall vote by show of hands, or, if at least 50% of the members present at the time when the vote is taken so request, by signed ballot.

11.3. If a Councillor so requests, the Proper Officer shall record the names of the members, who voted on any question so as to show whether they voted for or against it.

11.4 (i) The Chairman of the meeting may give an original vote on any matter put to the vote and in the case of any equality of votes may exercise his casting vote whether or not he gave an original vote.

(ii) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(iii) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

(iv) **A Councillor or Non-Councillor with voting rights who has a disclosable 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 the matter.**

12. CODE OF CONDUCT AND DISPENSATIONS

A Councillor or 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 his right to participate and vote on that matter.

- a. All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d. **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.
- e. A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g. Subject to standing orders 12(d) and (f) 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] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].
- h. **A dispensation may be granted in accordance with standing order 12(d) 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.**

13. DISORDERLY CONDUCT

- a) All members must behave in a manner required by the Code of Conduct adopted by the Council in 2012, a copy of which is annexed to these standing orders.
- b) No Councillor shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, or improperly to any other member or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- c) If, in the opinion of the Chairman, a Councillor has broken the provisions of paragraph (b) of this order, the Chairman shall express that opinion to the Council and thereafter any Councillor may move that the Councillor names be no longer heard or that the Member named to leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- d) If either of the motions mentioned in paragraph (c) is disobeyed and/or in the event of a general disturbance, the Chairman may suspend the meetings or take such further steps as may reasonably be necessary to enforce them.
- e) If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Monitoring Officer.

14. RESCISSION OF PREVIOUS RESOLUTION

- 14.1 (a) 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 four Councillors to be given to the Proper Officer, or by a resolution moved in pursuance of the report or recommendation of a committee, unless there is new information.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months, unless there is new information.

15. VOTING ON APPOINTMENTS

15.1 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. Any tie may be settled by the Chairman's casting vote.

16. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

16.1 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.

17. EXPENDITURE

17.1 Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

17.2 The Council's financial regulations shall be reviewed annually.

17.3 The Council's 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/management committee or to an employee.

18. SIGNING OF DOCUMENTS

18.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

18.2 Subject to Standing Order 20.1, any two Councillors may sign, on behalf of the Council, any deed required by law B and the proper officer shall witness their signatures.

19. COMMITTEES, SUB-COMMITTEES AND MANAGEMENT COMMITTEES

- 19.1 The Council may at any time appoint committees, sub-committees and management committees as may be necessary but
- a) shall not appoint any Councillor of a committee, sub-committee and management committee to hold office later than the next Annual meeting of the Council and
 - b) may at any time dissolve a committee, sub-committee and management committee or alter its constitution, membership, or powers and duties.
- 19.2 The Chairman or, in the absence of the chairman, the Vice Chairman shall be ex officio Councillors of every committee.
- 19.3 The Chairman shall be elected and Vice Chairman shall be appointed at the Annual Meeting of the Council.
- 19.4 The Standing Orders on rules of debate shall apply to meetings of committees, sub-committees, management committees and Town Council Meetings.
- 19.5 Meetings of committees, sub-committees and management committees shall start at a time as determined in the Notice of Meetings.
- 19.6 The Standing Orders shall apply to the meetings of the Institute Committee.

20. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES

- a) **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b) **If the Chairman 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 two 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 two Councillors.**
- c) The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d) If the chairman 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 7 members of the committee or the sub-committee, any 7 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

21. VOTING IN COMMITTEES

- 21.1 Voting at committees, sub-committees and management committees shall be by show of hands unless as agreed in standing order 11.2
- 21.2 Chairmen of committees, sub-committees and management committees shall in the case of an equality of votes have a second or casting vote whether or not they gave an original vote.

22. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

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

23. CONFIDENTIAL BUSINESS

- 23.1 (a) No Councillor shall disclose to any person not a member of the Council any business declared to be confidential by the Council, a committee, sub-committee or management committee as the case may be.

(b) Any Councillor in breach of the provision of paragraph (a) of this Standing Order shall be removed by the Council from any committee, sub-committee or management committee of the Council.

24. PLANNING APPLICATIONS

- 24.1 (a) All planning applications shall be determined by the Planning and Community Services Committee except that when representations are required before the date of the next meeting of the Committee the Proper Officer, in consultation with the Chairman, shall notify all Councillors in writing of the details of the application and recommend an appropriate response.

(b) The Proper Officer shall be notified in writing if any Councillor disagrees with the recommended response and will consult with the Chairman or Vice-Chairman on appropriate action.

(c) The Chairman of the Planning and Community Services Committee shall have delegated authority to determine planning applications during recesses should this be necessary, and decisions must be reported to the next appropriate meeting of the Committee.

25. RESPONSIBLE FINANCIAL OFFICER

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

26. 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 (England)
- 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 for Finance Policy & Governance Committee meeting as soon as practicable the most recent reconciled month end report.

This will include:

- bank reconciliation
- the council’s receipts and payments
- year to date income and expenditure with commentary

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.
- d) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council 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.

27. ANNUAL BUDGET

- 27.1 (a) The Finance, Policy and Governance Committee will prepare the provisional budget for consideration by the Council.
- (b) The Council shall set a precept for the forthcoming financial year at its meeting in January.

28. 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. procurement policies (subject to standing order 28(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £30,000.
- 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 28(a) 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 the 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 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 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 £181,302 for public service or supply contract or in excess of £4,551.413 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 and in OJEU.**

29. INTEREST OF COUNCILLORS IN CONTRACTS AND OTHER MATTERS

- 29.1 If any Councillor of the Council has any pecuniary interest direct or indirect within the meaning of sections 94 and 95 of the Local Government Act 1972, in a contract, proposed contract or other matter, that councillor shall withdraw from the meeting while the contract, proposed contract, or other matter is under consideration by the Council unless:
- (i) The disability to discuss that matter imposed upon that councillor by the section has been removed by the Secretary of State under Section 97(i); or
 - (ii) The contract, proposed contract or other matter is under consideration by the Council as part of the report of a Committee and is not itself the subject of debate; or
 - (iii) The Council invites that councillor to remain.
- 29.2 The Proper Officer shall record in a book to be kept for the purpose, particulars of any notice given by any councillor or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.
- 29.3 If a candidate for any appointment under the Council is to his knowledge related to any Councillor 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 Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a councillor is disclosed Standing Order 35 shall apply. The Proper Officer shall make known the purport of the Standing Order to every candidate.

30. INTEREST OF OFFICERS IN CONTRACTS

- 30.1 The Proper Officer shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any councillor.
- 30.2 The Proper Officer shall also maintain a register of other interests declared by employees under the Employees Code of Conduct.

31. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- 31.1 Canvassing Councillors or the members of a committee, sub-committee or management committee directly or indirectly for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- 31.2 A Councillor or a member of a committee, sub-committee or management committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 31.3 This standing order shall apply to tenders as if the person making the tender were a candidate for appointment.

32. INSPECTION OF DOCUMENTS

- 32.1 A Councillor may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 32.2 All minutes kept by the Council and by any committee shall be open for inspection by any Councillor of the Council

33. UNAUTHORISED ACTIVITIES

- 33.1 Unless authorised by a resolution no councillor 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;

34. URGENT BUSINESS

- 34.1 A decision will be urgent if any delay would seriously prejudice the Town Council or the public interest.
- 34.2 Any decision taken by the Chairman and Town Clerk as a matter of urgency must be reported to the next meeting of the Town council, together with the reason for urgency.

35. PETITIONS

- 35.1 Petitions may be presented to the Chairman at Town Council meetings.
- 35.2 The person presenting the petition must be a registered elector of the Town.
- 35.3 Prior to the start of business the Petition should be handed without comment to the Chairman.
- 35.4 Where there is more than one petition, they will be presented in the order in which notification is received.
- 35.5 No discussion on any matter received in the petition shall be allowed and the same shall be placed on the Agenda for the next meeting of the Town Council unless the matter is itemised on the Agenda

36. 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.**

37. RESPONSIBILITIES TO PROVIDE INFORMATION

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

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

38. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 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.**

40. STANDING ORDERS GENERALLY

40.1 The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his/her declaration of acceptance of office.

40.2 The Chairman's decision as to the application of standing orders at meetings shall be final.

40.3 A Councillor's failure to observe standing orders more than three times in one meeting may result in him/her being excluded from the meeting in accordance with standing orders.

41. TIME LIMIT ON MEETINGS

41.1 All Meetings of the Town Council and its Committees must end at or before 9.30pm and this Standing Order cannot be suspended by a Committee. The Council will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

42. INSTITUTE COMMITTEE

42.1 These Standing Orders shall apply to the meetings of the Institute Committee.

43. COMMUNICATING WITH CHESHIRE EAST COUNCILLORS

43.1 An invitation to attend a meeting of the Town Council shall be sent together with the agenda, to the ward councillors of Cheshire East Council.

43.2 Unless the Town Council determines otherwise, a copy of each letter sent to Cheshire East Council shall be sent to the ward councillors representing Cheshire East Council.

44. HONORARY FREEMAN

44.1 Under the Local Government Act 1972, Schedule 249 (8) the Council may award a title of ‘Honorary Freeman’ in recognition of service to Alsager Town. There is no significance in this title nor does it confer any rights or privileges. Honorary Freeman are however invited to all full Council Meetings and sent copies of agendas and non-confidential reports.

44.2 A special meeting of the Council must be convened for that purpose of conferring the title.

44.3 The award of the titles must be voted on a majority of 2/3 and of the members present for voting.

44.4 To make the conferring of the title, the Council will present the recipient with a document which will take the form of a resolution to the Council.

Adopted at Council Meeting **2018**

Signed

Chairman of the Council