

**BIRCHWOOD TOWN COUNCIL**

**STANDING ORDERS FOR THE COUNCIL**

May 2023

**BIRCHWOOD TOWN COUNCIL  
STANDING ORDERS  
EFFECTIVE FROM MAY 2023**

**1. (a) Meetings**

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

*See Standing Order 11 for the quorum of a Committee or Sub-Committee meeting.*

**(b) Annual / Ordinary Council Meetings**

- (i) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors are elected take office.**
- (ii) In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- (iii) If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- (iv) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

- (v) **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.**

A Chair may not serve for more than two consecutive years without a break in service and the position being filled by nomination at the appropriate Annual meeting normally held in May each year.

- (vi) **The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- (vii) **The Vice-Chair of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- (viii) **In an election year, if the current Chair of the Council has not been re-elected as a Member of the Council, he/she shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- (ix) **In an election year, if the current Chair of the Council has been re-elected as a Member of the Council, he/she shall preside at the annual meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

## **2 Order of Business**

- (a) At each Annual Meeting following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
  - (i) **In an election year, delivery by the Chair 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 Chair of the Council of his/her acceptance of office form unless the Council resolves for this to be done at a later date;**
  - (ii) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - (iii) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

- (iv) To elect a Leader of the Council (\* see note below).
- (v) To appoint Committees.
- (vi) To consider the payment of any annual subscriptions, at the next available meeting from when notifications for renewal are received by the office.
- (vii) To inspect any deeds and trust instruments in the custody of the Council: and shall thereafter follow the order set out in Standing Order 2(b) to 2(e) below.

**\*Note** The nomination of the appointment of a Leader of the Council (if made) is an honorary appointment made by the Members of the majority party of the Council. These Members will seek guidance from the Leader on general policy and objectives of the majority Council Members prior to and in between Council meetings.

The post of Leader, whilst having an important status, does not replace the procedural and statutory status of the formal appointment of the Council Chair during that person's year of office.

In the absence of the formal Chair and Vice-Chair, the person holding the post of Leader of the Council, is voted as Chair for the meeting. That person will have all the statutory and voting provisions as available to the Council Chair.

- (b) At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
- (c) In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees (See Standing Order 25, below).
- (d) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
  - (i) To allow public participation for the presentation, by a resident, of any items they wish to bring as an issue to the Council (a time limit of 5 Minutes will apply to each resident's issue) and to allow for the Police to give their monthly update report. There will be a maximum time of 30 Minutes allowed for public participation.
  - (ii) To receive the monthly Police report and action plan.

- (iii) To read and consider the Minutes: provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - (iv) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - (v) To deal with business expressly required by statute or regulator e.g. Code of Conduct, Declarations of Interest, issues regarding the Complaints Procedure to be done.
  - (vi) To dispose of business, if any, remaining from the last meeting.
  - (vii) To receive such communications as the person presiding may wish to lay before the Council.
  - (viii) To answer questions from Members (via a Member's referral which should be submitted to the Chair for approval in time for it to then be confirmed to the Proper Officer in order to be included in the Council papers; which are circulated 4 clear working days prior to the Council meeting).
  - (ix) To receive and consider reports and Minutes of Committees.
  - (x) To receive and consider reports from officers of the Council.
  - (xi) To authorise the sealing of documents.
  - (xii) To authorise the signing of orders for payment. (This will be unnecessary if there is a Finance Committee).
  - (xiii) To consider resolutions or recommendations in the order in which they have been notified.
  - (xiv) Any other business specified in the summons.
- (e) A motion to vary the order of business on the grounds of urgency
- (i) may be proposed by the Chair or by any Member and, if proposed by the Chair, may be put to the vote without being seconded, and
  - (ii) shall be put to the vote without discussion.

### **3. Recording of Meetings**

- (a) 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.**
- (b) 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) 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.**

### **4. Statutory Annual Meeting/Statutory Meetings**

- (a) The Statutory Annual Meeting shall usually\* be held on the fourth Tuesday in May **except** in an election year when it must take place within fourteen days after the day on which Councillors (known as ‘Members’ in Council Meetings) are elected to take office. Councillors actually ‘take office’ three days after the election day.**

**\* In the event of extraordinary circumstances, such as a health pandemic, this meeting may be postponed and/or held remotely, if authorised by emergency government legislation.**

- (b) The other statutory meetings shall usually\* be held on the fourth Tuesday of each month, unless resolved otherwise (except August, when the Council is usually in recess) and December. The date of the December meeting will be agreed at either the October or November Council meeting.**

**\* In the event of extraordinary circumstances, such as a health pandemic, these meetings may be postponed and/or held remotely, if authorised by emergency government legislation.**

### **5. Committees and Sub-Committees**

- (a) All Sub-Committee meetings/dates as required will be agreed at a monthly Council meeting.**
- (b) Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and Members shall be determined by the Committee.**
- (c) The Members of a Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- (d) Unless the Council determines otherwise, all the Members of an advisory Committee and a Sub-Committee of the advisory Committee may be non-Councillors.**

- (e) The Council may at its Annual Meeting appoint standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:-
  - (i) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting.
  - (ii) may appoint persons other than Members of the Council to any Committee; and
  - (iii) may subject to the provisions of Standing Order 23 at any time dissolve or alter the Membership of a Committee.
- (f) The Chair and Vice-Chair ex officio shall be Members of every Committee.
- (g) Every Committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- (h) The Chair of a Committee or the Chair of the Council may summon an additional meeting of that Committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- (i) Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.
- (j) The Chair and Vice-Chair of a Committee/Sub-Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.
- (k) Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or Sub-Committee shall be one-half of its Members, unless a Committee or Sub-Committee has over eight Members, when four Members shall constitute a quorum.
- (l) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee and Sub-Committee meetings.
  - (i) The terms of Reference for each Sub-Committee shall be :-

To consider all matters referred for detailed consideration by the Town Council and all decisions and recommendations made by the Sub-Committee be referred back to the next relevant Town Council meeting for resolution and approval. (Other than where specific powers of delegation for decision making are passed to the Sub-Committee by the Town Council.)

- (m) There may be advisory Committees where necessary and whose name, and number of Members shall be recorded when established.
  - (i) The Proper Officer shall inform the Members of each advisory Committee of the terms of reference of the Committee.
  - (ii) An advisory Committee may make recommendations and give notice thereof to the Council.
  - (iii) An advisory Committee may consist wholly of persons who are not Members of the Council.

## **6. Voting in Committees**

- (a) Members of Committees and Sub-Committees entitled to vote shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- (b) The Chair of a Committee or Sub-Committee shall, in the case of an equality of votes, have a second or casting vote.

## **7. Presence of Non-Members of Committees at Committee Meetings**

A Member who has proposed a resolution which has been referred to any Committee of which they are not a Member, may explain the resolution to the Committee but shall not vote.

## **8. Extraordinary Meetings**

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

## **9. Chair of Meeting**

- (a) The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.



- (b) **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council.**
- (c) **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, the Leader of the Council or a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

**10. Proper Officer**

(a) The Proper Officer shall be either (i) the Clerk or (ii) RFO/Deputy Clerk or 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 or a Sub-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 Councillor has consented to service by email), and**
  - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

*See Standing Order 1(a) (ii) for the meaning of clear days for a meeting of a full Council and Standing Order 1(a) (iii) for the meaning of clear days for a meeting of a Committee;*

- (ii) **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;**
- (iii) **facilitate inspection of the minute book by local government electors;**
- (iv) **receive and retain copies of byelaws made by other local authorities;**
- (v) hold acceptance of office forms from Councillors;
- (vi) hold a copy of every Councillors' register of interests;

- (vii) assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- (viii) liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- (ix) receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- (x) 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 (e.g. the Limitation Act 1980);
- (xi) arrange for legal deeds to be executed (see also Standing Order 28);
- (xii) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- (xiii) record every planning application notified to the Council in a book for such purpose;
- (xiv) refer a planning application received by the Council to the Chair or in his/her absence the Vice-Chair of the Council or in his/her absence to the Leader of the Council 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.
- (xv) manage access to information about the Council via the publication scheme; and
- (xvi) retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (see also Standing Order 28).

## 11. Quorum

- (a) Four Members shall constitute a quorum for Council meetings. Half of the nominated Members designated shall constitute a quorum for a Sub-Committee; unless a Sub-Committee has over eight Members, when four Members shall constitute a quorum. (See also Standing Order 5(k).)
- (b) **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, no business shall be transacted.** The business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.

## 12. Voting

- (a) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**
- (b) **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 his/her casting vote whether or not he/she gave an original vote.**

See Standing Orders 1(b) (viii) and 1(b) (ix) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

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

Members shall vote by show of hands, or, if at least two Members so request, by signed ballot.

- (d) **Subject to (e) and (f) below the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though no original vote was made.**
- (e) 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 Chair and Vice-Chair until the end of their term of office they may not give an original vote in an election for Chair.
- (f) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.
- (g) **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 his/her right to participate and vote on that matter.**

## 13. Resolutions Moved on Notice

- (a) 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 or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer (at least 5 clear days) before the next meeting of the Council.
- (b) The Proper Officer shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

- (c) If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (d) If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chair, considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- (e) Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

#### **14. Resolutions Moved Without Notice**

Resolutions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chair of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a Committee.
- (h) To appoint a Committee or any Members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches (10 minute maximum – see rules of debate para 16 (e)).
- (n) To exclude the public. (See Standing Order 35(a) below).
- (o) To silence or eject from the meeting a Member named for misconduct. (See Order 33 below).
- (p) To invite a Member having an interest in the subject matter under debate to remain. (See Standing Order 30 below).
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. (See Standing Order 46 below).
- (s) To adjourn the meeting.

#### **15. Questions**

- (a) A Member may ask the Chair or the Proper Officer any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- (b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.

**16. Rules of Debate**

- (a) No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- (b) A resolution or amendment shall not be discussed unless it has been proposed (and seconded) and, unless proper notice has already been given, it shall, if required by the Chair, be reduced to writing and handed in before it is further discussed or put to the meeting.
- (c) A Member when seconding a resolution or amendment may, declare an intention to do so and reserve any speech until a later period of the debate.
- (d) A Member shall direct a speech to the question under discussion or to a personal explanation or to a question of order.
- (e) No speech by a mover of a resolution shall exceed ten Minutes, and no other speech shall exceed 5 Minutes except by consent of the Council.
- (f) 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.
- (g) An amendment shall not have the effect of negating the resolution before the Council.
- (h) 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.
- (i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 Minutes.
- (k) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (l) A Member may rise to make a point of order or a personal explanation. A Member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.

- (m) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (n) When a resolution is under debate no other resolution shall be moved except the following:-
  - (i) To amend the resolution.
  - (ii) To proceed to the next business.
  - (iii) To adjourn the debate.
  - (iv) That the question be now put.
  - (v) That a Member named be not further heard.
  - (vi) That a Member named do leave the meeting.
  - (vii) That the resolution be referred to a Committee.
  - (viii) To exclude the public and press.
  - (ix) To adjourn the meeting.

**17. Points of Order**

- (a) A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.
- (b) Members shall address the Chair.

**18. Reserved**

**19. Closure**

At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”.

If such motion is seconded the Chair shall put the motion but, in the case of a motion “to put the question”, only if the Chair is of the opinion that the question before the Council has been sufficiently debated.

If the motion “that the question be now put” is carried, the Chair shall call upon the mover to exercise or waive right of reply and shall put the question immediately after that right has been exercised or waived.

The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new, notices or agendas need to be issued except a notification to Members not present of the date of the continuation of the meeting).*

**20. Disorderly Conduct**

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.

- (b) If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- (c) If a resolution made under Standing Order 20(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **21. Right of Reply**

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

## **22. Alteration of Resolution**

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

## **23. Rescission of Previous Resolution**

- (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 Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a Committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

## **24. Voting on Appointments**

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## **25. Discussions and Resolutions Affecting Employees of the Council**

- (a) If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 35(a)).

- (b) The Proper Officers are designated to deal with most day-to-day management issues affecting employees other than themselves regarding absence, conduct, discipline etc. for senior staff issues or general employee grievance/discipline appeal issues.

In such an instance, then a Sub-Committee will be formed to hear the matter.

**26. Resolutions on Expenditure**

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another Committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon.

**27. Expenditure**

Orders for the payment of money shall be authorised by resolution of the Council.

**28. Sealing of Legal Documents/Deeds**

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) **The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of two Councillors together with the Proper Officer who shall sign the document as witness.**

**29. Reserved.**

**30. Interests**

- (a) If any Member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, they shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial.
  - (i) The Council invite him to remain; or
  - (ii) The contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.
- (b) The Proper Officer shall declare at a meeting and record in meeting Minutes particulars of any notice given by any Member or any officer of the Council of a pecuniary interest in a contract-



- (c) If any Member has a non-pecuniary interest within the Regulations ambit of the National Code of Local Government Conduct it shall be declared and thereupon the Member shall be invited to withdraw from the meeting.
- (d) If a candidate for any appointment under the Council is related to any Member or the holder of any office under the Council, that person and the person to whom they are 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 Member is disclosed Standing Order 31(c) shall apply.

The Proper Officer shall make known the purport of this Standing Order to every candidate.

### **31. Canvassing of and Recommendations by Members**

- (a) Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Proper Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A Member of the Council or of any Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) Standing Orders 31(a) and 31(b) shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **32. *Reserved.***

### **33. Inspection of Documents**

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

**34. Restrictions on Councillor Activities**

No Member of the Council or of any Committee or Sub-Committee shall act in the name of or on behalf of the Council without prior authorisation

- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

**35. Admission of the Public and Press to Meetings**

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

“That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw”.

*(Notes: The special reasons should be stated. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).*

- (b) The Proper Officer shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- (c) If a Member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that they be removed from the Council Chamber.

**36. Confidential Business**

- (a) No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- (b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

**37. Liaison with Borough Councillors**

A notice of meeting shall be sent together with an invitation to attend to the Borough Councillor or Councillors for the district ward.

**38. Reserved**

### 39. Planning Applications

- (a) The Proper Officer/ Administrative Assistant shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
  - (i) the date on which it was received;
  - (ii) the name of the applicant;
  - (iii) the place to which it relates;
  - (iv) a summary of the nature of the application.
  
- (b) On receipt of a planning application, a Proper Officer / Administrative Assistant shall email it directly to all Members for their perusal. In addition, each planning application will be entered on the official paperwork for a Town Council meeting. Refer every urgent or perceived controversial planning application to the Chair or in the Chair's absence to the Vice-Chair within 48 hours of receiving it.
  
- (c) The Proper Officer/ Administrative Assistant shall, if necessary (due to recess, etc.) request an extended time limit for response to a planning application from the Borough Council.

### 40. Code of Conduct and Dispensations

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

Unless he/she 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/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

Unless he/she 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/she has another interest if so required by the Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

- (a) **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.
  
- (b) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or Committee or Sub-Committee for which the dispensation is required and that decision is final.
  
- (c) 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.
- (d) **A dispensation may be granted in accordance with Standing Order 40(b) if having regard to all relevant circumstances any of the following apply:**
- (i) **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - (ii) **granting the dispensation is in the interests of persons living in the Council's area; or**
  - (iii) **it is otherwise appropriate to grant a dispensation.**

#### **41. Code of Conduct and Complaints**

New laws governing the conduct of elected Members in Local Government came into effect on 1 July 2012, with Local (Parish and Town) Councils required to have their own local codes of conduct.

- (a) The Town Council shall at every Annual Council meeting adopt a Model Code of Conduct

At its meeting held on the 18<sup>th</sup> May 2021, the Town Council resolved to adopt the same, revised Model Code of Conduct, as adopted by Warrington Borough Council on 10<sup>th</sup> May 2021. This is published on the Town Council's website.

- (b) The Town Council will at each Council meeting remind Members of their obligations under the Code and will ask for any declarations of interest (personal or prejudicial) in regard to any matter on the agenda.

The Code shall apply to Councillors in respect of the entire meeting.

- (c) The Council shall deal with complaints of infringement of the Code of Conduct and maladministration allegedly committed by the Council or by any officer or Member in the manner recommended by the National Association of Local Councils and/or the Borough Council
- (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 him. Such action excludes disqualification or suspension from office.**

#### **42. Management of information**

See also Standing Order 43.

- (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.**

#### **43. Responsibilities to provide information**

See also Standing Order 44.

- (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) *If gross annual income or expenditure (whichever is the higher) exceeds £200,000* the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

#### **44. Responsibilities under data protection legislation**

Below is not an exclusive list. See also Standing Order 42.

- (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.**

45. *Reserved*

**46. Variation, Revocation and Suspension of Standing Orders**

- (a) All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements (**in bold type**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- (b) A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Proper Officer in accordance with Standing Order 13.
- (c) A copy of these Standing Orders shall be given to each Member by the Proper Officer upon delivery to them of the Member's Declaration of Acceptance of Office. The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.
- (d) The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

**47. Business Continuity**

In the event of any disaster, such as fire, flood, extreme weather, epidemic/pandemic, etc., that could significantly disrupt the normal operations of the Council, the Proper Officer(s) shall be delegated powers to take decisions on matters of urgency in consultation with the Chair and/or Vice Chair and/or the Leader of the Council. This will ensure that actions can be taken to ensure continuity of service and any unexpected business can be dealt with.