



# STANDING ORDERS

*Approved at the Annual Meeting of the Council 16<sup>th</sup> May 2017*

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## Notes

### **Standing Orders displayed in emboldened type are mandatory**

Unless otherwise stated these Standing orders shall apply to all meetings of the Council including those of its Committees and Sub-Committees

All references made in the male gender shall also be taken to apply to the female gender.

## 1 Meetings

### *In this section*

*Standing Orders in emboldened type are mandatory for full Council meetings.*

*Standing Orders in emboldened type and marked \* are mandatory for committee meetings*

*Standing Orders in emboldened type and marked # are mandatory for subcommittee meetings.*

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **\* When calculating the 3 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.**
- c **\* 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.**
- d Subject to standing order 1(c) above, members of the public resident in Neston, or representing other members of the public resident in Neston, are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda and may, with the permission of the Chairman, make requests of, ask questions to and seek information from the Council (but not individual members of it) in relation to any matter of particular significance to the people of Neston.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above, shall not exceed 30 minutes.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only and shall not speak for more than 3 minutes.

- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j An officer or Member of the Principal Authority, having first sought leave to attend a meeting of the Council or a Committee of the Council, or having been invited to attend such a meeting by the Proper Officer, may, at the invitation of the Chair, make comments on any item of business included in the agenda.
- k A person shall raise his hand when requesting to speak. Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m **\* In accordance with standing order 1(c) above, 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.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- p **\* # Subject to standing order 1 (q) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- q **\* # The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)**
- r Voting on any 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 the vote in question is taken.

s \* # **The minutes of a meeting shall record the names of councillors present** and absent.

t If prior to a meeting, a Councillor has submitted a reason for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

u \* # **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

v \* # **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.** (*See also standing orders 7 and 8 below.*)

w **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 3.**

x \* # **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting of the same committee or of the Council, in the case of an inquorate Council meeting.

y Meetings shall not exceed a period of 2 hours.

## 2 Ordinary Council meetings

*See also standing order 1 above*

a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**

b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**

e **The election of the Chairman and Vice-Chairman of the Council shall be the first items of business completed at the annual meeting of the Council.**

f **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.**

- g **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 annual meeting of the Council.**
- h **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.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Should at least one nomination as Chairman of the Council of an eligible Member of the Council, proposed and seconded by eligible members of the Council and consented to by the nominated Member, be received by the Proper Officer five clear days before the Annual Meeting of the Council, that nomination and any other received in like manner shall be recorded on the agenda for that meeting and further nominations shall not be called for at the meeting.
- J ii Should at least one nomination as Vice-Chairman of the Council of an eligible Member of the Council, proposed and seconded by eligible members of the Council and consented to by the nominated Member, be received by the Proper Officer five clear days before the Annual Meeting of the Council, that nomination and any other received in like manner shall be recorded on the agenda for that meeting and further nominations shall not be called for at the meeting.
- k Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
- i In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii Confirmation of the accuracy of the minutes of the last meeting of the Council and receipt and noting of the minutes of and/or determination of any recommendations made by committees.
  - iii Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv Review of the terms of references for committees.
  - v Receipt of nominations to existing committees.
  - vi Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.

- vii Review and adoption of appropriate standing orders and financial regulations.
- viii Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix Review of representation on or work with external bodies and arrangements for reporting back.
- x In a year of elections, at the annual meeting, review the Council's eligibility and wish to exercise the General Power of Competence and reaffirm eligibility by way of resolution.
- xi Review of inventory of land and assets including buildings and office equipment.
- xii Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii Review of the Council's and/or employees' memberships of other bodies.
- xiv Review the Council's complaints procedure.
- xv Review the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi Review the Council's policy for dealing with the press/media
- xvii Set the expected dates, times and place of ordinary meetings of the full Council for the year ahead.

### **3 Proper Officer**

- a The Council's Proper Officer shall be either (i) the Council Manager 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 Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall
  - i electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.
  - ii **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)** and publish the notice on the Council's website.

- iii Give public notice of the time, date, venue and agenda at least 1 clear day before a meeting of a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the sub-committee convened by councillors is signed by them) and publish the notice on the Council's website.
- iv Subject to standing orders 4(a)-(e) below, include in the agenda notice of all motions in the order received unless a councillor has given written notice at least 5 clear days before the meeting confirming his withdrawal of it.
- v **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- vi Make available for inspection as soon as practicable the minutes of meetings and publish these on the Council's website clearly indicating their status as either drafts or confirmed and signed versions.
- vii **Receive and retain copies of byelaws made by other local authorities.**
- viii **Receive and retain declarations of acceptance of office from councillors.**
- ix Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- x Keep proper records required before and after meetings;
- xi 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.
- xii Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xiii Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiv Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also standing orders 14(a) and (b).*)
- xv Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xvi Record every planning application notified to the Council and the Council's response to the local planning authority
- xvii Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xviii Respond to any complaints from members of the public in relation to council policy.



## **4 Motions requiring written notice**

- a In accordance with standing order 3(b) (iv) above, no motion may be moved at a meeting unless provision for it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least five clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected by the Proper Officer until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least five clear days before the meeting.
- d If the wording or nature of a proposed motion is considered by the Proper Officer to be unlawful or improper, or contrary to Standing Orders or to the Council's agreed procedures, 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.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer which shall be open to inspection by all councillors.
- h Every motion 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.

## **5 Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i To appoint a person to preside at a meeting.
  - ii To accept the reason for absences of councillors.
  - iii To correct an inaccuracy in the minutes of the previous meeting.
  - iv To alter the order of business on the agenda for reasons of urgency or expedience.
  - v To proceed to the next business on the agenda .
  - vi To defer consideration of a motion;

- vii To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - viii To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - ix To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - x To authorise legal deeds signed by two councillors and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xi To amend a motion relevant to the original or substantive motion under consideration
  - xii To extend the time limit for speaking.
  - xiii To exclude the press and public for all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
  - xiv To not hear further from a councillor or a member of the public.
  - xv To exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xvi To give the consent of the Council if such consent is required by standing orders.
  - xvii To require a written report.
  - xviii **To suspend any standing order except those which are mandatory by law.**
  - xix To adjourn the meeting.
  - xx To temporarily suspend the meeting.
  - xxi To close a meeting.
  - xxii To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxiii To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, it may be referred 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.

## 6 Rules of debate

- a Motions shall be considered in the order provided for in the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)-(e) above, a motion shall not be

- considered unless it has been proposed and seconded, save that a motion proposed from the Chairman shall not be required to be seconded.
- c Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
  - d A motion to amend an original or substantive motion shall not be considered unless notice has been given after the original or substantive motion has been seconded and such amendment, shall, if required by the Chairman, be expressed in writing and handed to the Chairman.
  - e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
  - f Any amendment to a motion shall be either:
    - i to leave out words;
    - ii to add words;
    - iii to leave out words and add other words.
  - g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
  - h Subject to Standing Order 6(i) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
  - i One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
  - j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion which may be moved by a councillor is limited to one.
  - k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
  - l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
  - m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
  - n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
  - o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on

- an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
- i to amend the motion;
  - ii to proceed to the next business;
  - iii to adjourn the debate;
  - iv to put the motion to a vote;
  - v to ask a person to be no longer heard or for him to leave the meeting;
  - vi to refer a motion to a committee or sub-committee for consideration;
  - vii to exclude the public and press;
  - viii to adjourn the meeting;
  - ix to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- u The seconder of a motion may, with the consent of the mover, exercise the rights of the mover specified in Standing Order 6(m) and 6(n) above.

## **7 Code of conduct**

*See also standing orders 1(d)-(i) above*

- a All councillors shall observe the code of conduct adopted by the Council.

- b It is desirable that all councillors shall undertake training in the code of conduct following the delivery of their declaration of acceptance of office.

## **8 Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days' notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall be asked only during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

## **9 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:  

“The Chairman of this meeting does not believe that the minutes of the meeting of the [Council/Committee/Sub-Committee] held on [date] in respect of [item reference] were a correct record but his view was not upheld by the majority of the [Council/Committee/Sub-Committee] and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any draft minutes or recordings held in official council records of the meeting shall be destroyed.

## **10 Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put immediately and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion in the names of at least 6 Members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on appointments**

Where more than 2 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.

## **13 Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **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 or to an employee.**
- d The Chairman's allowance may be paid for the purpose of enabling him/her to meet the expenses of his/her office.
- e There shall be a Chairman's Charity account which shall not be used for the Capital projects or general expenses of the Council. The beneficiaries of the account shall be as decided by the Chairman's and authorised by the Council.

## 14 Execution of legal deeds

*See also standing order 5(a) (xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 15 Committees

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i shall determine their terms of reference;
  - ii if it is considered desirable and within the law for there to be non-Councillors as Members of any committee, they shall determine their number and manner of their appointment, but such members shall not be eligible to cast a vote, to be Chairman or Vice-Chairman.
  - iii shall permit committees to determine the dates of their meetings;
  - iv shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - v an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15 c below), shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vi may in accordance with standing orders, dissolve a committee at any time.
- b All members of the council not appointed to a particular standing committee shall be deemed eligible to act as substitute members of that committee.
- c An ordinary member of a standing committee may, having confirmed to the Proper Officer before a meeting of the committee that they are unable to attend, appoint another eligible councillor as a substitute. A nominated substitute member will have the same voting rights as the member that has been substituted.
- d A standing committee shall have no fewer than five and no more than seven members of the Council with the exception of the Human Resources Committee, which shall have five members.

- e **The Chairman of each Standing Committee, unless he has resigned or becomes disqualified, shall continue in office and preside at the first meeting of that Committee until his successor is elected. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- f **If a new Committee is formed by the Council the Chairman of the Council, or in his absence the Vice-Chairman of the Council, is to take the chair for the first item of business at the first meeting of the new Committee until the new Chairman for that Committee is elected. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- g All members of the Council not appointed to a particular standing committee, and not acting as a substitute as provided for in 15c above, shall have the right to attend meetings of that committee and to speak at the invitation of its Chairman, but shall not have the right to vote.
- h At its first meeting following the annual meeting of the Council, a Standing Committee shall elect one of its members who is also a member of the Council to act as its Chairman, and if thought desirable one of its members who is also a member of the Council to act as its Vice-Chairman, to serve until the beginning of the first meeting following a subsequent Annual meeting of the Council.

## **16 Sub-committees**

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, a Standing Committee may appoint a sub-committee and shall determine its terms of reference, membership and rights to make expenditure from budgets already held by the Standing Committee.
- b The Chairman, or in his absence the Vice-Chairman, of the Standing Committee shall take the chair for the first item of business at the first meeting of a sub-committee after the Annual Meeting of the Council for the first item of business which shall be the election of Chairman of the sub-committee. If both the Chairman and the Vice-Chairman of the Standing Committee are absent a Councillor as chosen by the Councillors present at the meeting shall preside for the first item of business.



## **17 Extraordinary meetings**

*See also standing order 1 above*

- 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 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue 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 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 two councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by two councillors.

## **18 Advisory committees and/or Working Groups**

*See also standing order 1 above*

- a The Council may appoint advisory committees (which may include existing working groups) which may consist partly or wholly of persons who are non-councillors.  
  
The Council may appoint a person to act as Chairman of an Advisory Committee, or may permit an advisory group to elect one of its Members to act as Chairman.
- b An Officer of the Council, or individual Member or groups of Members of the Council in consultation with the, Council Manager may establish a task and finish group with a defined objective in order for the group to make proactive proposals for decision by a Committee or the Council. A group so established shall appoint one of its members as rapporteur and the establishment of such groups, and the name of its rapporteur shall be reported by the Council Manager a Committee or Council as appropriate.

## **19 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a budget comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.
- c The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## **20 Estimates/precepts**

- a In determining its estimates and precept requests the Council shall follow an annual budget cycle.
- b There shall be a mid-year review of all budgets and the delivery of strategic objectives by Committees and if appropriate Sub-committees based on income and expenditure for the year up to and including September.
  - i The Responsible Financial Officer shall, within the context of the Council's overall financial position, report to the subsequent meeting of the Committee authorised by the Council to have oversight and general control of financial matters variances in excess of £3,000, progress and exceptions towards agreed strategic objectives, expenditure to September of earmarked reserves and cases made by Committees for the retention of unspent balances
  - ii Individual committees shall differentiate between temporary (one-off) and permanent (recurring) spending plans in reporting
  - iii The Committee authorised by the Council to have oversight and general control of financial matters shall make recommendations for in year changes to committee budgets and/or reserves to Council at its meeting following the review process.
- c The process of establishing budgets for the subsequent financial year shall be based on mid-year review at the meetings of Committees following the availability of October accounting figures
  - i Committees shall assess where budget increases and decreases are required for the following year. Proposed increases must link

- to the Council's strategic objectives and their justification recorded. All changes must be categorised one off or recurring.
- ii The Responsible Financial Officer shall advise of any 'technical' budget changes such as pensions increases and pay awards which must be taken into account
  - iii The Responsible Financial Officer shall recommend for the following year a budget based on current year budget review to the Committee authorised by the Council to have oversight and general control of financial matters
  - iv The Committee authorised by the Council to have oversight and general control of financial matters shall make a recommendation to the Council.
  - v **The Council shall approve written estimates for the coming financial year at a meeting before the end of January.**
  - vi The Council shall set a budget for the following financial year with a clear understanding of the relationship between temporary and permanent (one off and recurring) spending plans and the available methods of funding such as grants, income, precept and one-off reserves.
- d There shall be an annual review of outturn figures.
- i At their first meeting following the Annual Meeting of the Council Committees shall summarise their financial and operational performance against budgets, earmarked reserves and strategic objectives and final accounts.
  - ii The Responsible Financial Officer shall summarise to the Committee authorised by the Council to have oversight and general control of financial matters the overall outturn position of all committees against budgets and earmarked reserves.
  - iii The Committee authorised by the Council to have oversight and general control of financial matters shall make a report for consideration by the Council.
- e At every ordinary meeting Committees shall review their spend against budgets with a view to making recommendations at mid-year review and budget setting stages, taking the necessary advice from the Responsible Financial Officer. This process shall be in addition to regular monitoring for those responsible of the Council's accounts.

## **21 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-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.

- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment by the Council or recommend a person for promotion; but, nevertheless, any councillor or a member of a committee or sub-committee may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22 Inspection of documents**

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii issue orders, instructions or directions.

## **24 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the appropriate Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council or, in his absence, the Vice-Chairman of any absence of the Proper Officer occasioned by illness or urgency and that person shall report such absence to Council at its next meeting.

- c All employees shall have a minimum of 2 performance review meetings during the year: June to set key tasks and performance measures and review previous year's performance against targets; January to carry out a formal interim review of progress and any issues for both parties.
- d The Chairman of the Council and one other member of the council who shall also be a member of the committee with responsibility for issues relating to the Council's employees shall conduct the performance reviews of the Proper Officer in accordance with the Council's policies.
- e The performance review of all other employees shall be conducted by their line manager in accordance with the Council's policies.
- f Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the appropriate Committee or in his absence, the Vice-Chairman of the appropriate Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by recommendation of the appropriate Committee.
- g Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by staff members relates to the Chairman or Vice-Chairman of the Council, this shall be communicated to the Chairman of the appropriate Committee, who shall cause the matter to be reported back and progressed by resolution of the appropriate Committee.
- h The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- i Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with the responsibility for the same.
- j Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25(i) and (j) above.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(i) and (j) above shall be provided only to the Proper Officer.

## **26 Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The appropriate Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act

2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out in standing order 3 b xi above.

## **27 Relations with the press/media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **28 Liaison with Borough Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Cheshire West and Chester Council representing an electoral ward entirely or partially within the boundary of the council.
- b Unless the Council otherwise orders, a copy of each letter sent to the Cheshire West and Chester Council shall be sent to the Cheshire West and Chester Council councillor representing the relevant electoral ward or wards.
- c The Proper Officer shall make arrangements to invite all councillors of the Cheshire West and Chester Council representing an electoral ward entirely or partially within the boundary of the council to meet informally with the Council at intervals to be determined by the Council.

## **29 Financial matters**

- 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 accounting records and systems of internal control;
  - ii the assessment and management of financial risks faced by the Council;
  - iii the work of the Internal Auditor 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;
  - v procurement policies (subject to standing order 29(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 29(c) below.**
- c Any formal tender process shall comprise the following steps:
- i a public notice of intention to place a contract to be placed in a local newspaper;
  - ii a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **30 Allegations of breaches of the code of conduct**

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer to the appropriate Committee of the Council with the relevant Terms of Reference.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Committee referred to in 30a above of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Committee referred to in 30a above) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- i Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii Ensure that any background papers containing the information set out in standing order 30(a) above are not made public.
  - iii Ensure that the public and press are excluded from meetings as appropriate.
  - iv Ensure that the minutes of meetings preserve confidentiality.
  - v Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 30(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Committee referred to in 30a above or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Committee referred to in 30a above shall have the power to:
  - i seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii seek and share information relevant to the complaint;
  - iii grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

### **31 Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

### **32 Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at



meetings shall be final.

- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.