



POYNTON WITH WORTH TOWN COUNCIL

STANDING ORDERS

PART A – COUNCIL

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NOTES

Standing orders that follow in **BOLD type** are statutory orders referring, inter alia, to the Local Government Act 1972 and the Local Authorities (Model Code of Conduct) Order 2007.

References to 'Council' mean Poynton Town Council.

Where standing orders refer to 'Town Council Meetings', this also refers to all committees and sub-committees.

References to the Mayor should be read to include the Chairman of all committees and sub-committees.

POYNTON-WITH-WORTH TOWN COUNCIL

STANDING ORDERS

PART A – COUNCIL

MEETINGS

1. Meetings of the Town Council and standing committees shall normally be held in the Council Chamber at the Civic Hall at 8pm in the evening, but the time and/or venue may be varied at the discretion of the Town Clerk or Committee Chairman. Meetings will terminate by **10.00pm** at the latest. At the Chairman's discretion meetings with a long agenda may have an earlier start.

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.

2. **THE STATUTORY ANNUAL MEETING OF THE TOWN COUNCIL –**
 - a) **IN AN ELECTION YEAR SHALL BE HELD ON THE FOURTH DAY AFTER THE ELECTION OR WITHIN FOURTEEN DAYS THEREAFTER;**
 - b) **IN OTHER YEARS, SHALL BE ON SUCH A DAY IN MAY AS THE COUNCIL MAY DECIDE.**
3. a) Ordinary meetings of the Council shall be held regularly throughout the year, with the exception of August, unless required for urgent business.
b) THE NUMBER OF SUCH ORDINARY MEETINGS SHALL IN ANY CASE BE NO LESS THAN THREE IN ANY YEAR.
4. **THE CHAIRMAN OF THE COUNCIL MAY CONVENE AN EXTRAORDINARY MEETING OF THE COUNCIL AT ANY TIME.**
5. a) **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.**

b) ChALC interpretation of 6th February 2013: "The LGA 1972 Schedule 12 9(2) states '... or if, without so refusing, the Chairman does not call an extraordinary

meeting within seven days after such a requisition has been presented to him ...' . The interpretation of this is that the meeting should be called within 7 days, while giving the requisite amount of notice for the meeting i.e. 3 clear days. This provision is to assist with dealing with 'extraordinary' matters i.e. pressing matters. It is not an 'additional' meeting".

Such meetings are to be held within 14 days of the requisition.

6. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of their committee at any time.
7. 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 to do so by two Councillors, those two Councillors may convene an extraordinary meeting of a committee (or a sub-committee). The public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

CHAIRMAN OF MEETING

8. **a) THE PERSON PRESIDING AT A MEETING MAY EXERCISE ALL THE POWERS AND DUTIES OF THE TOWN MAYOR IN RELATION TO THE CONDUCT OF THE MEETING.**

b) If present at a Town Council, the Town Mayor must preside, and has control of its procedure for the purpose of enforcing the law and good order. He must prevent decisions being taken on matters which are not on the agenda, but he cannot stop discussion of subjects properly brought up nor, if matters on the agenda remain to be settled, will his departure of itself bring proceedings to an end. (Arnold Baker, 9th Edition, para. 8.3, p. 73).

QUORUM

9. **a) AT LEAST ONE THIRD OF THE MEMBERS SHALL CONSTITUTE A QUORUM.**

b) A motion to suspend a standing order or discuss a matter affecting an employee of the Council (SO 34) shall not be moved without notice unless at least two-thirds of the Members are present (SO26 n) to r), SO72).

10. If a quorum is not present when the Council or any of its Committees meet, or if during the meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or at an extraordinary meeting as the Town Mayor or Committee Chairmen may arrange.

VOTING

11. **MEMBERS SHALL VOTE BY SHOW OF HANDS.**

12. **IF ANY MEMBER SO REQUIRES, THE CLERK SHALL RECORD THE NAMES OF THE MEMBERS SO AS TO SHOW WHETHER THEY VOTED FOR OR AGAINST THE MOTION OR QUESTION, OR ABSTAINED FROM VOTING.**
Such a request for the recording of votes must be made before a vote is taken.
13. **a) EXCEPT AS STATED IN SECTION c) BELOW, THE TOWN MAYOR OR OTHER PERSON PRESIDING MAY GIVE AN ORIGINAL VOTE EVEN IF BY SO DOING HE OR SHE CREATES AN EQUALITY OF VOTES.**
b) IN THE CASE OF AN EQUALITY OF VOTES THE PERSON PRESIDING SHALL HAVE A SECOND OR CASTING VOTE.
c) IF THE PERSON PRESIDING SHALL CEASE TO BE A MEMBER OF THE COUNCIL AFTER THE ELECTION OF A TOWN MAYOR, HE OR SHE MAY NOT VOTE IN THE ELECTION BUT HAS A CASTING VOTE IN THE EVENT OF AN EQUALITY OF VOTES. THE CASTING VOTE MUST BE USED IN THE ELECTION OF THE TOWN MAYOR.
14. 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.

ORDER OF BUSINESS

15. At the Annual Meeting of the Town Council the first business shall be:
 - a) **TO ELECT A CHAIRMAN, WHO SHALL BE STYLED TOWN MAYOR;**
 - b) **TO NOTE THE TOWN MAYOR'S DECLARATION OF ACCEPTANCE OF OFFICE;**
 - c) To elect a Vice-Chairman, who shall be styled Deputy Town Mayor;
 - d) **IN AN ELECTION YEAR TO NOTE MEMBERS' DECLARATIONS OF ACCEPTANCE OF OFFICE;**
 - e) **IN A YEAR OTHER THAN AN ELECTION YEAR, TO NOTE SUCH DECLARATIONS OF ACCEPTANCE OF OFFICE (IF ANY) AS ARE REQUIRED BY LAW TO BE MADE;**
 - f) To appoint representatives to outside bodies;
 - g) To appoint statutory or standing committees and elect Chairmen and Vice-Chairmen of such appointed committees;
 - h) To inspect any deeds and trust instruments in the custody of the Council;

16. The Member elected Deputy Town Mayor of the Council shall be Town Mayor-designate, subject to said person being duly proposed, seconded and elected at the next Annual Town Council Meeting.

Thereafter the order of business shall be as set out in SO 15 unless the Council otherwise decides on the grounds of urgency.

17. **AT EVERY MEETING THE FIRST BUSINESS SHALL BE THE APPOINTMENT OF A CHAIRMAN IF THE TOWN MAYOR AND DEPUTY TOWN MAYOR BE ABSENT.**

AFTER THE FIRST BUSINESS HAS BEEN COMPLETED, THE COUNCIL SHALL NOTE SUCH DECLARATIONS OF ACCEPTANCE OF OFFICE (IF ANY) AS ARE REQUESTED BY LAW TO BE MADE.

Thereafter the order of business shall be as set out in SO 15 unless the Council otherwise decides on the grounds of urgency.

18. a) To receive such communications as the presiding Town Mayor may wish to lay before the Council;

b) To read and consider for accuracy Council 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;

c) AFTER CONSIDERATION TO APPROVE THE SIGNATURE OF THE MINUTES BY THE PRESIDING TOWN MAYOR AS A CORRECT RECORD;

d) TO DEAL WITH BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE;

e) To dispose of business, if any, remaining from the last meeting;

**f) Format of words to be used by all Chairmen:
To receive and note the adoption of the minutes of committees and the resolutions contained therein;**

g) To change statutory or standing committees and if necessary to elect a Chairman and Vice-Chairman of such committees;

h) To receive and consider reports from officers of the Council;

i) To consider motions in the order in which they have been notified;

j) To authorise the sealing of documents (SOs 59/60);

k) Any other business specified in the summons;

19. No item of business may be considered at a meeting unless;

a) It has been included on the agenda for the meeting, which agenda shall have been available for inspection at least three clear working days prior to the meeting. With the agreement of the Town Mayor or Committee Chairmen, any elected Councillor may add an item to the agenda of the Town Council or any named committee respectively, regardless of whether they are a member of that committee. If the Mayor or Committee Chairman does not agree to this, any item, with the support of two further Councillors, may be added to an agenda but this must allow three clear working days.

b) Recommendations arising from resolutions passed at committee meetings and requiring ratification by the Town Council shall automatically be included in the agenda for the next ordinary meeting of the Town Council.

c) The meeting is convened at shorter notice when the agenda should then be available from the time the meeting is convened.

d) WHERE AN ITEM DOES NOT CONFORM TO SECTION a) OF THIS STANDING ORDER, AND THE TOWN MAYOR SO RULES, AND THERE IS A SPECIFIC RESOLUTION TO THIS EFFECT, THAT AN ITEM OF “OTHER BUSINESS” SHALL BE CONSIDERED AS A MATTER OF URGENCY. IN SUCH A CASE THE MINUTES MUST RECORD THE SPECIAL REASONS JUSTIFYING THE DECISION.

e) For standing committee meetings, where an item does not conform to section a) of this standing order, and the Committee Chairman so rules, and there is a specific resolution to this effect, that an item of “Other Business” shall be considered as a matter of urgency. In such a case the minutes must record the special reasons justifying the decision.

Any written reports or briefs included in a meeting agenda should be issued with that agenda, and not issued separately by e-mail, by post or at the meeting concerned (but see also standing order 19 c) and d) above, and paragraphs 19, 20 and 21 in Appendix A).

f) Agendas and supporting reports may be circulated by email or other electronic systems, subject to the right of each member to request delivery in printed form to their home address. If no such preference is expressed, the Clerk may circulate via email as the default system. The requirement in standing order 19 (a) above that an agenda must be circulated at least three clear working days prior to the meeting shall apply to both methods of circulation.

MOTIONS MOVED ON NOTICE

20. Except as provided by these standing orders, no motion may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least six clear days (excluding the day of delivery and the day of the meeting) before the next meeting of the Council.
21. The Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the Member giving such a notice has stated in writing that he intends to move his motion at some later meeting or that he withdraws it.
22. If a motion specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
23. If the subject matter of a motion comes within the province of a committee of the Council, it may, 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 Town Mayor may allow it to be dealt with at the meeting at which it was moved.
24. Every motion shall be relevant to some question over which the Council has power or which affects the Town.

MOTIONS MOVED WITHOUT NOTICE

25. A motion to vary the order of business on the grounds of urgency, or as a courtesy to others present, may be proposed by the Town Mayor or any member without notice and, if proposed by the Town Mayor, or member, and seconded, must be put to the vote.
26. Motions dealing with the following matters may be moved without notice:
 - a) To appoint a Chairman of the meeting;
 - b) To correct the minutes;
 - c) To adopt the minutes;
 - d) To invite a member of the Council having an interest in the subject matter under debate to remain;
 - e) To amend a motion;
 - f) To give leave to withdraw a motion or an amendment;
 - g) To extend the time limit for speeches;

- h) To proceed to the next business;
- i) To close or adjourn the debate;
- j) To refer a matter to a committee;
- k) To adopt a report;
- l) To appoint a committee or any Members thereof;
- m) To authorise the sealing of documents (SO 59/60);

(The following motions are governed as to quorum by SO 9);

- n) To consider otherwise than in committee a question affecting an employee of the Council (SO 34);
- o) To suspend standing orders (SO 9b, SO 70);

(The following motion is governed by SOs 66, 67, 68 on the admission of the public and press to meetings);

- p) to exclude the press and public;
- q) To silence or eject from the meeting a Member named for misconduct;
- r) To give the consent of the Council where such consent is required by these standing orders.

RULES OF DEBATE – TOWN COUNCIL MEETINGS

- 27. A Member shall stand when speaking unless permitted by the Town Mayor to sit;
- 28. a) The ruling of the Town Mayor on the point of order or on the admissibility of a personal explanation shall not be discussed;
- b) Members shall address the Town Mayor;
- c) Members shall by show of hands indicate that they wish to speak, and shall be called to speak by the Town Mayor;
- d) Whenever the Town Mayor rises during a debate all other Members shall be seated and silent.

COUNCIL MEETINGS

29. a) The Clerk shall be responsible for preparing minutes of all meetings of the Town Council and its committees. These shall accord in style, content and form with good practice as described in Appendix A to these standing orders. This does not mean that the Clerk must personally take the minutes. This task can be delegated by the Clerk or Committee Chairman.
- b) Except as provided in section d) of this standing order, no discussion shall take place upon the minutes of the Council and its committees except upon their accuracy. Updates or matters arising are therefore not permitted.
- c) Procedure – minutes to be discussed for accuracy before resolution. Corrections to the minutes must be made by resolution.
- d) A resolution must be moved to adopt part only of the minutes or report of a standing committee. In that case the part or parts **not** included in the resolution to adopt shall be the subject of a separate and **prior** resolution in which the mover must state his/her reasons before moving:-
- (i) that the part or parts be referred back, without discussion, to the relevant standing committee for further consideration;
- OR
- (ii) be referred, without discussion, to the Finance & General Purposes Committee (if that committee is not the standing committee involved) for wider consideration;
- OR
- (iii) PROVIDED THAT A DECISION THAT (i) AND (ii) ARE NOT FEASIBLE BECAUSE OF URGENCY IS FIRST APPROVED BY RESOLUTION BY AN ABSOLUTE MAJORITY OF THE MEMBERSHIP, THEN THE PART OR PARTS MAY BE DISCUSSED IMMEDIATELY AND A DECISION TAKEN BY RESOLUTION.**
30. a) A motion or amendment is not to be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Town Mayor, be put in writing and handed to him before it is further discussed or put to the meeting.
- b) The mover of a motion or of an amendment shall have a right of reply.
- c) A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

d) A Member, other than the mover of a motion or of an amendment, shall not, without leave of the Council, speak more than once on any motion or amendment except on a point of order, or in personal explanation, or in accordance with paragraph (m).

e) A Member may make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

f) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

g) No speech shall exceed ten minutes in the case of a mover of a motion and five minutes in all other cases except by consent of the Council.

h) 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.

i) An amendment shall not have the effect of negating the motion before the Council.

j) If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

k) A further amendment shall not be moved until the Council has disposed of an amendment previously moved.

l) A motion or amendment may be withdrawn by the proposer with the unanimous consent of the Council, which shall be signified without discussion, once Council has been asked for its withdrawal, unless such permission has been refused.

m) When a motion is under debate no other motion shall be moved except the following:

(i) to amend the resolution;

(ii) to proceed to the next business;

(iii) to adjourn the debate;

(iv) to put the motion to a vote

(v) that a person named be not further heard [SO 35];

(vi) that a person named do leave the meeting [SO 35];

- (vii) that a resolution be referred to a committee or sub-committee for consideration;
- (viii) to exclude the press and public [SO 66, 67, 68];
- (ix) to adjourn the meeting;
- (x) to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements

- 31. A Member may, with the consent of his seconder, move amendments to his own motion.
- 32. The mover of a motion shall have a right to reply immediately before the motion is put to the vote.

If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.

A Member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

VARIATION OR RESCISSION OF PREVIOUS RESOLUTION

- 33. a) A decision of the Council shall not be varied or rescinded within six months, save by a special resolution, the written notice of motion whereof bears the signatures of at least twelve Members of the Council.
- b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

(This SO is governed as to quorum by SO 9b)

- 34. 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 by the Council until the Council has decided whether or not the public and press shall be excluded (See SOs 66, 67, 68)

DISORDERLY CONDUCT

- 35. a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the

meeting shall request such person(s) to moderate or improve their conduct.

b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any Councillor or the chairman 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 35(b) is ignored, the chairman 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.

DISTURBANCE BY MEMBERS OF THE PUBLIC

36. If a member of the public interrupts the proceedings at any meeting the Town Mayor shall warn him or her. If they continue the interruption, the Town Mayor may adjourn or suspend the meeting to restore order.

RIGHTS OF THE PUBLIC TO SPEAK/RECORDING AND FILMING OF MEETINGS

37. a) At a meeting of the Council, or Council committee, the Town Mayor or Chairman at his or her discretion may allow Members of the public to address the meeting in relation to the business being transacted or, at the discretion of the Chairman, on matters within the remit of the committee.

b) Residents may make representations, answer questions and give evidence relating to the business being transacted, but such inputs will be restricted to a single session **of five minutes** for each side of the debate or not more than a total of five minutes if only one speaker. Once a member of the public has spoken, that is the end of their entitlement, they are not entitled to speak further but can respond to questions asked by Members.

c) If there are several members of the public wishing to speak on the same business, the Chairman will ask the public to select a maximum of three speakers only. This can be varied at the discretion of the Town Mayor.

d) ON THE BASIS OF THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014 A PERSON OR MEMBER MAY NOT ORALLY REPORT OR COMMENT ABOUT A MEETING AS IT TAKES PLACE IF HE/SHE IS PRESENT AT THE MEETING OF THE TOWN COUNCIL OR ITS COMMITTEES BUT OTHERWISE MAY:

(i) film, photograph or make an audio recording of a meeting;

(ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;

(iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

Those engaging in any of the above activities must be afforded reasonable facilities to permit them to do so, but in doing so they must not disrupt the meeting in any way. The above activity is not permitted on those occasions when Members of the public would normally be excluded from meetings on the basis of standing order 67.

An agenda item regarding the recording of meetings should be added to every Town Council, committee or sub-committee meeting. As a matter of courtesy to everyone attending Council or committee meetings, those present, be they Councillors, officers or members of the public, will be asked to declare to the meeting if they are, or are intending to, make an audio recording/film the meeting. If so they will be afforded the facility to do so subject to the conditions set out in the above paragraph.

CODE OF CONDUCT AND DISPENSATIONS

38. a) All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council (see Appendix B)
- b) 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 has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c) Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d) Dispensation requests shall be in writing and submitted to the Town Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f) A dispensation request shall confirm:
- (i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - (ii) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - (iii) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - (iv) an explanation as to why the dispensation is sought.

g) Subject to standing orders 38 d) and (f) above, dispensation requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.

h) A dispensation may be granted in accordance with standing order 38(e) above if, having regard to all relevant circumstances, the following applies:

(i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

(ii) granting the dispensation is in the interests of persons living in the council's area or

(iii) it is otherwise appropriate to grant a dispensation.

39. Upon notification by the Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 81, report this to the Council.

40. a) Where the notification in standing order 39 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 40a (i) and (ii)

The Council may:

(i) provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;

(ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

b) 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.

ROLE OF THE TOWN MAYOR

See separate Mayoral Protocol

41. The role of the Town Mayor in the chairing and general conduct of Council meetings is defined above (see especially standing orders 4, 5, 8, 10, 13, 15, 17, 18, 19, 20, 23, 25, 27, 28, 30, 33, 36, 37 and 38). The Town Mayor, with advice from the Clerk, is responsible for upholding and interpreting these standing orders. In the event of any serious disagreement in how they should be interpreted, the Clerk must refer the matter to the Borough Solicitor of Cheshire East Council for a decision.

PART B - COMMITTEES AND SUB-COMMITTEES

42. The Council may at the Annual Meeting of the Town Council appoint statutory and standing committees. There shall be five such standing committees:

- Community, Order & Public Safety (COPS)
- Facilities, Infrastructure and Economic Development (FIED)
- Finance and General Purposes (F&GP)
- Management and Establishment (M&E)
- Planning and Environment (P&E)

The Council may at any other time appoint such other committees as are necessary, but subject to any statutory provision.

43. Each of the standing committees will have a written remit for the conduct of business under delegated powers. The remit will be subject to annual review. At the first round of committee meetings after the Annual Meeting of the Council the Clerk shall give all council Members a copy of the remit for each committee (see Appendix D – standing committees). The Council:

a) shall not appoint any Member of a committee so as to hold office later than the next Annual Meeting of the Town Council, and

b) may at any time dissolve or alter the membership of a Committee (but see SO 46 below).

44. Membership of the Management and Establishment Committee shall consist of:

- The Chairmen of the following committees: F&GP; FIED; COPS; and P&E. Where the same person is Chairman of more than one of the above Committees, the Vice-Chairman of one of these standing committees shall be a substitute member of the Management and Establishment committee in order to maintain numbers.
- Up to four other Members chosen by the Council.

45. As with all other committees, the Council will determine a written remit for the Management and Establishment Committee, but its role, in addition to any other duties and responsibilities as delegated by the Council, shall include matters relating to:

- The staff and workload of the Council;
- The review of the Town Council's standing orders (see also SO 72);

- Consideration of nominees for the annual Town Council Civic Awards.
46. The Chairmen and Vice-Chairmen of committees shall hold office until the next Annual Meeting of the Town Council. Chairmen and Vice-Chairmen may resign from office in writing to the Town Mayor and vacancies shall be filled at the next meeting of the Town Council. This will also apply to Members appointed as representatives of the Town Council to outside bodies. Committee members may resign from a committee in writing to the Chairman of the Committee. In the case of the Town Mayor, any resignation will be addressed to the Clerk. 'In writing' means that an e-mail is acceptable provided it is confirmed in a signed letter within five days.
 47. Should the Chairman and Vice-Chairman be absent from any meeting, the first business shall be the appointment of a Chairman of that meeting
 48. Every committee may appoint sub-committees for purposes to be specified by the committee. The Council and its committees and sub-committees may also appoint working groups for specified purposes. Minutes of each sub-committee will be submitted to the next meeting of the sponsoring committee. The remit of a working group will be limited to the production of a report to the parent committee; they will not have power themselves to spend money or commit the Council to any course of action. Working Groups do not have a Chairman, the chairman of the parent committee nominates a working group lead whose responsibility is to report back to the parent committee when required. With the approval of the parent committee, members of sub-committees and working groups may co-opt non-elected individuals to serve with them. These co-opted individuals must respect and abide by the standing orders of the Town Council.
 49. The Chairman and Vice-Chairman of the committee shall be Members of every sub-committee appointed to it unless they signify that they do not wish to serve.
 50. 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-third of its Members or three, whichever is the greater.

MATTERS OF URGENCY

51. a) The Clerk in consultation with the Mayor, or Chairman and Vice-Chairman of the appropriate committee or sub-committee shall have power to deal with matters of urgency arising during the Summer recess which cannot stand over until the next ordinary meeting of the appropriate committee or sub-committee, or in the interval between normal meetings of a committee or sub-committee where there are cogent reasons why a decision shall be made thereon before the next ordinary meeting.
- b) Although the decision is delegated to the Clerk the following procedure will be followed to obtain the views of other councillors

- (i) Where a matter is deemed to be urgent by the Clerk, the Clerk will discuss this matter with the Chairman or Vice Chairman (in the absence of the Chairman) and formulate a draft resolution.
 - (ii) The draft resolution and, if appropriate, any background to the decision required and the timescale for the decision and the draft resolution. The report will be sent by email to all members of the committee.
 - (iii) Committee members will be asked to indicate whether they agree with the draft resolution.
- c) The Chairman and Vice-Chairman of the committee may instead refer matters of urgency to the Management and Establishment Committee for a decision.
- d) If either the Chairman or Vice-Chairman is not available then another committee member may act as substitute.
- e) Where action in pursuance of (a) above is taken, it shall be noted at the next ordinary meeting of the Town Council, committee or sub-committee

SUBSTITUTES

52. Any Councillor may appoint another Councillor to attend in his/her place at a committee meeting by notifying the Clerk or committee Chairman before the start of the meeting. Substitute Councillors will have all the powers (including voting) and duties of any ordinary member of the committee, but will not be able to exercise any special powers or duties of the person for whom they are substituting.

If a councillor will be absent from the meeting and they have not appointed/selected a substitute then the Chairman may appoint/select a substitute.

NON-MEMBERS OF COMMITTEE

53. A Member who has proposed a motion which has been referred to any committee of which he is not a Member, shall be entitled to explain his motion to the committee, but shall not vote.
54. Members of the Town Council may attend any meeting of any standing committee, sub-committee or working group of which they are not Members. Attendance at a part B (confidential) meeting will be at the discretion of the Chair.

Members attending under this standing order wishing to speak on a specific item shall be allowed to do so, at the discretion of the Chairman, but not vote.

CANDIDATES FOR COUNCIL APPOINTMENTS

55. If a candidate for any appointment under the Council is to his knowledge related to any Member of, or the holder of any office under, the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk.

A candidate who fails to do so shall be disqualified for such appointment and, if appointed, may be dismissed without notice.

The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a Member is disclosed, the standing orders on interests of Members in contracts and other matters shall apply.

The Clerk shall make known the importance of this standing order to every candidate.

56. Canvassing of a Member or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this standing order to every candidate.
57. A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
58. Standing orders Nos. 55, 56 and 57 shall apply to tenders as if the person making the tender was a candidate for an appointment.

PART C MISCELLANEOUS

SEALING OF DOCUMENTS

59. Any two Members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.
60. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of full Council.

CLERK AS PROPER OFFICER

61. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following matters, the Proper Officer shall be the Clerk. The Proper Officer shall:
 - (i) Receive declarations of acceptance of office;
 - (ii) Receive registers of Members' interests;
 - (iii) **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).
 - Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - (iv) Receive and retain plans and documents;
 - (v) Sign notices or other documents on behalf of the Council;
 - (vi) **Receive and retain copies of byelaws made by other local authorities;**
 - (vii) Certify copies of byelaws made by the Council;
 - (viii) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

INSPECTION OF DOCUMENTS

62. A Member of the Council, if it is required for the purpose of carrying out his duties (but not otherwise), may inspect any document in possession of the Council, and if copies are available shall, on request, be supplied for the like purpose with a copy.

63. Members otherwise shall be permitted access to all information/papers other than exempt information applying to particular individuals.

INSPECTION OF LANDS AND PREMISES

64. No Member shall, in the name of the Council, inspect any lands or premises which the Council has the right or duty to inspect unless authorised to do so by the Council, or by the appropriate authorised committee.

INSPECTION OF MINUTES

65. **ALL NON-CONFIDENTIAL MINUTES KEPT BY THE COUNCIL AND BY ANY COMMITTEE OR SUB-COMMITTEE SHALL BE OPEN FOR THE INSPECTION OF ANY MEMBER OF THE COUNCIL AND ANY ELECTOR DURING REASONABLE HOURS OF THE DAY. THE COUNCIL WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT (2000)**

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

66. **THE PUBLIC AND THE PRESS SHALL BE ADMITTED TO ALL MEETINGS OF THE COUNCIL AND ANY COMMITTEE OF THE COUNCIL. HOWEVER, THE COUNCIL, COMMITTEES AND SUB-COMMITTEES MAY TEMPORARILY EXCLUDE THE PUBLIC AND PRESS DURING A SPECIFIC ITEM OF BUSINESS BY RESOLUTION OF COUNCIL IN ACCORDANCE WITH SO 67.**
67. **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.**

FACILITIES FOR MEDIA

68. The Clerk shall afford to the media reasonable facilities for reporting on any proceedings at which they are entitled to be present.

CONFIDENTIAL BUSINESS

69. No Member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any Town Council business declared to be confidential or exempt information by the Council, the committee or the sub-committee as the case may be, as defined in SO 67.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

70. Any standing order except orders Nos. 2, 3(b), 8, 9(a), 11, 12, 13, 15 (a,b,d,e), 17, 18 (c,d), 19, 29 (d.iii), 65, 66, 67, 68, 72, may be suspended by resolution in relation to any specific item of business.
71. A motion proposed at a committee or sub-committee meeting to permanently vary or revoke a standing order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Town Council.
72. **A MOTION TO EFFECT A CHANGE IN OR MAKE AN ADDITION TO STANDING ORDERS MUST RECEIVE THE APPROVAL OF AT LEAST TWO-THIRDS OF THE MEMBERS.**

STANDING ORDERS TO BE GIVEN TO MEMBERS

73. A copy of these standing orders shall be given to each Member by the Clerk upon delivery to him of the member's declaration of acceptance of Office. Whenever the Standing Orders are changed by the Council, a copy of the revised standing orders shall be given or sent to each member. The standing orders may be distributed in electronic format, subject to the right of each member to request a printed copy.

LIAISON WITH CHESHIRE EAST COUNCILLORS

74. A notice of all meetings of the Council and standing committees shall be sent to all the Cheshire East Councillors for the Town. Only those Cheshire East Councillors who are also Members of the Town Council will be permitted to speak at meetings (SO 54).

COMPLAINTS

75. a) The Town Council has an internal complaints procedure, which was approved and is reviewed by the Town Council. This deals with allegations of maladministration and misconduct regarding the standard of service, behaviour, actions or lack of action by the Town Council, Members (see also b) below) co-opted members of working groups or council staff. A copy of the internal complaints procedure is at Appendix C.

d) If the Town Mayor resigns from the Town Council or is disqualified from holding office as a Councillor, then he or she will be regarded as having also vacated the office of Mayor. This does not apply, as per section 15 (8) of the Local Government Act 1972, when the Town Mayor ceases to be re-elected as a Councillor at the regular elections, in which case he or she will remain in office until a successor is elected at the Annual Meeting of the Town Council.

e) In any vote on a complaint being dealt with through the internal complaints procedure, the Member who is the subject of that complaint shall be deemed to be conflicted, and therefore cannot vote. They may however remain in the meeting room throughout the proceedings, address the meeting in their own defence, take part in the debate and answer any questions.

TOWN MAYOR'S QUESTION TIME

76. a) Members of the public may ask questions of the Town Mayor relating to the business of the Council at Town Mayor's Question Time which shall precede all Town Council meetings, with the exception of the Annual Meeting of the Town Council. For the purposes of definition a questioner shall be a registered elector of the town of Poynton-with-Worth.
- b) Question Time shall commence at 8.05 pm for a period of no more than 20 minutes. If no members of the public are present, or no members of the public wish to ask a question, the Town Council Meeting will commence at 8.05 pm.
- c) When called on by the Town Mayor, the questioner should stand, give his/her name and address and put the question without any preamble or pre-statement.
- d) The Town Mayor only will answer the question except where, at his/her discretion, the Town Mayor may call upon another Councillor to answer the question.
- e) No supplementary questions or discussions will be permitted.
- f) Where the Town Mayor cannot supply a complete answer, the question will be referred to the appropriate committee and a written answer subsequently supplied to the questioner by the Town Clerk.

ANNUAL TOWN ASSEMBLY

77. a) The Mayor of the Town Council, or in his/her absence, the Deputy Mayor of the Town Council, must preside if present. If not, the first business of the meeting shall be to elect a Chairman.
- b) All Town electors are entitled to attend and to vote. Non-electors may speak, with the consent of the meeting, but may not vote.
- b) The agenda shall include the following items:
- (i) Town Mayor's Annual Report, including a brief summary from each of the standing committees;
 - (ii) financial statements of the Town Council or an indication when this will be available;

- (i) accounts of parochial charities;
- (ii) reports from Town Council's representatives to outside bodies;
- (iii) reports from representatives of local organisations;
- (iv) any other questions relating to Poynton Town matters.

(Minutes of the previous Town Assembly to be made available to those present on demand.)

- a) Seating shall be informal, with only the Clerk seated beside the Town Mayor.

CORRESPONDENCE

- 78. a) The default position for all correspondence is electronic/email. Members should opt into this service in the first instance. This follows the Local Government (Electronic Communications) (England) Order 2015, which amended paragraph 10(2)(b) of schedule 12 to the Local Government Act, 1972.

TITLES

- 79. Councillors shall be referred to only as "Councillor John Doe" or "Councillor Jane Doe". First names may be shown as initials and "Councillor" abbreviated to "Cllr". No other titles shall be used for council business.

ABSENCE OF CLERK AND DEPUTY CLERK

- 80. In the absence of the Clerk and Deputy Clerk, the decision about the responsibility for maintaining the day to day operation of the Town Council will be the Chair and Vice Chair of the Management and Establishment Committee to best effect over the period of absence.

RESPONSIBILITIES TO PROVIDE INFORMATION

- 81. **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.**

THE COUNCIL, SHALL PUBLISH INFORMATION IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT (TRANSPARENCY REQUIREMENTS) (ENGLAND) REGULATIONS 2015.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 82. A) THE COUNCIL SHALL HAVE POLICIES AND PROCEDURES IN PLACE TO RESPOND TO AN INDIVIDUAL EXERCISING STATUTORY RIGHTS CONCERNING HIS PERSONAL DATA.**
- B) THE COUNCIL SHALL HAVE A WRITTEN POLICY IN PLACE FOR RESPONDING TO AND MANAGING A PERSONAL DATA BREACH.**
- C) 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.**
- D) 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.**
- E) THE COUNCIL SHALL MAINTAIN A WRITTEN RECORD OF ITS PROCESSING ACTIVITIES.**

Appendix A

Poynton Town Council

MINUTES OF MEETINGS

1. Minutes should be prepared in respect of each meeting of the Town Council, standing committees and sub-committees. The minutes of a Council or a committee meeting are a public record of the decisions of the Council and great care should be taken in their format and production. The minutes can be produced in court and other judicial processes as evidence of decisions of the Council, and they form part of the Council archives which must be preserved. Minutes should be:
 - as brief as is consistent with accuracy
 - precise and concise;
 - self-contained (i.e. complete in themselves and understandable without reference to other documents);
 - decisive (so that there is no doubt about the decision made);
 - record actions required.
2. Minutes should be produced in the house style with a clear heading containing the status of the meeting, the place and date. It is good practice to indicate the time the meeting starts and ends and any adjournments. Minutes should start with an alphabetical list of the Councillors present at the meeting.
3. Each minute should contain a heading clearly indicating what the minute is about, a narrative or text, as appropriate that briefly summarises what took place, and the decision. For many routine items, for example, commenting on planning applications, a narrative will not be necessary.
4. The narrative should be in the past tense (known as 'reported speech') and should include reference to any written reports submitted. The narrative should be in plain English using full sentences and appropriate grammar. It is not necessary to refer to individual speakers by name unless this is significant. It may be appropriate to record the fact that an applicant or an objector addressed the Council or committee on a planning application or that the Clerk, other Officer or an Officer of Cheshire East Council reported on a matter. The narrative should summarise points raised in debate on a sensitive matter. This can be done by bullet points.
5. Abbreviations should be avoided and acronyms only used after having written the title in full at the first mention.
6. The decision should be separately highlighted for ease of identification and words used to show that it is a decision, for example;

RESOLVED

- 1) **That----**
- 2) **That----**

7. The wording of the decision should be included in full. It is not normally necessary to note the name of the member moving and seconding a motion in the minutes or the fact that a vote was taken (unless a recorded vote is requested).
8. The order of the minutes will normally follow the order of the agenda.
9. Declarations of disclosable pecuniary or other interests must be carefully recorded in the minutes, naming the Councillor and indicating clearly which item the interest referred to, whether the interest is a disclosable pecuniary or other interest, giving the nature of the interest and, if the member left the meeting during the discussion, to note that, and decision on the item. For example:

26. DECLARATIONS OF DISCLOSABLE PECUNIARY OR OTHER INTEREST

The following declarations of interest were received:

Planning application for conservatory at 12 Smith Road, Firsttown

Cllr Green disclosed a pecuniary interest as the owner of land adjoining the development site. Cllr Green left the room during the discussion and decision on this matter.”

10. When a Councillor asks for votes to be recorded in the minutes (standing order 12), the minutes should record the names of Councillors voting for and against the matter or the individual Councillor’s vote accordingly.
11. The Clerk should ensure that Councillors understand that decisions of Town Councils can be set aside by a court for procedural irregularity, which is why it is so important that the correct meeting procedures are followed and decisions accurately recorded.
12. Decisions to exclude the press and public should be fully recorded in the minutes, making it absolutely clear to which matter or part of it the exclusion applied and the grounds for doing so (standing order 67).

Minutes Production

13. Resolutions passed at a meeting take effect immediately and do not depend on the minutes being approved at the next meeting.
14. The minutes should be produced as quickly as possible after the meeting in order to circulate them to Members. It can be helpful for the Clerk or minute taker to provide a draft of the minutes for the Chairman and Vice-Chairman of the meeting. This is an opportunity to pick up any mistakes in the content or identify typing errors, but it is not to be used by the Chairman as a means of re-writing the minutes.
15. The draft minutes should be circulated to the Chairman and Vice-Chairman of the committee no later than 10 working days after the meeting. Should any member of the Town Council wish to receive the draft minutes they may request them. They do not become valid minutes until they are accepted as a correct record and signed by

the Chairman at the next meeting. Minutes in draft form should therefore record that fact clearly (at the top and bottom) to the effect: "Minutes subject to approval at the next meeting" or by using a "draft" watermark.

16. The signed minutes should be carefully retained by the Clerk for the Council's archives. It is prudent to retain a separate set of signed minutes for public inspection and for reference at meetings or for other purposes. The end of the published minutes should include the fact of being signed by the Chairman and the date on which they were signed.
17. If changes are made to the minutes by the Council or committee before acceptance and signing, the wording changes should be recorded in the minutes of the meeting that agreed the changes and the original minutes must be amended to reflect the changes. The copy signed by the Chairman will contain the alterations, recorded in longhand, with the changes signed and dated.

Reports

18. The Council's decisions can be set aside by a court if due regard has not been had to relevant information or irrelevant considerations have been applied. Some matters may require Councillors to consider a variety of facts or documentation. It is becoming increasingly important that such information is provided to Members in advance of the meeting in the form of a report. Reports may be prepared by the Clerk or other employee. Reports may be made by a Member, for example when reporting back to the Council or committee on an event attended or research done at the Council's request.
19. Reports should be circulated at the same time as the agenda and be available to the public, unless they include confidential matters that would justify the exclusion of the press and public at the meeting, or relate to urgent matters that have recently come to light. This enhances the transparency of the Council's decision-making and improves local knowledge of its activities.
20. Subject to a resolution passed at the Town Council or committee meeting concerned, verbal reports may be permitted. In all such cases, the minutes of the meeting shall include a summary of the verbal report, in sufficient detail to make clear the basis on which the decision was taken.
21. It greatly improves the speed of handling business at a meeting if all the relevant information is made available to Members in a report that assists their grasp and deliberation of a matter before the meeting.

Appendix B

Cheshire East Council – Councillor Code of Conduct

Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the Authority and its Councillors and co-opted Members (referred to collectively in this Code as “Councillors”).

1. All Town and Parish Councils that are within the Borough boundary have been invited to adopt this Code. It is acknowledged that town and parish councils that choose to adopt this Code may wish to amend its provisions to reflect local circumstances and preferences.
2. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Conduct as an individual Councillor affects the reputation of all Councillors. The Council wants the role of Councillor to be one that people aspire to. The Council also wants individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.
3. As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
4. Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
5. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

Introduction

This Councillor Code of Conduct has been adopted under the Localism Act 2011 and is supported by a process that will be followed if a complaint is made. A complaint should be made to the Monitoring Officer with sufficient information to substantiate it. [The form and details of the process can be found on our website.](#)

Support for Town and Parish Councils may be accessed through their membership of the Cheshire Association of Local Councils (ChALC) or the National Association of Local Councils (NALC).

Guidance that may assist Councillors in interpreting and understanding aspects of the code can be found here;

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

Definitions

For the purposes of this Code of Conduct, a “Councillor” means an elected Councillor or co-opted Member of Cheshire East Council or of one of the Town and Parish Councils that have adopted this Code of Conduct

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;
- and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes Cheshire East Council and / or one of the parish councils, town councils within the Borough.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of your Council and of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (as set out at Appendix A). The Nolan Principles are:

1. Selflessness;
2. Integrity;
3. Objectivity;
4. Accountability;
5. Openness;
6. Honesty;
7. Leadership.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully

- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member, and it continues to apply to you until you cease to be a Councillor or Co-Opted Member.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor or Co-opted Member which may include if:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from others. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant local authority, social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member/officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Because bullying and harassment can be subjective by its very nature, any complaints of such behaviour will be subject to an objective assessment of all the circumstances surrounding the allegation.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (there are no political assistants in Cheshire East). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, for having acted in a particular way, or in respect of the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Councillors should always use the appropriate routes to raise issues and inform decision making.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information given to me in confidence by anyone, or acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- a) *I have received the consent of a person authorised to give it;*
- b) *I am required by law to do so;*
- c) *the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or*
- d) *the disclosure is:*
 - i. *reasonable and in the public interest; and*
 - ii. *made in good faith and in compliance with the reasonable requirements of the access to information procedure rules; and*
 - iii. *I have sought the views of the Monitoring Officer prior to its release.*

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Cheshire East Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions,

documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or Council into disrepute;

5.2 I am seen as a representative of Cheshire East Council or my Town or Parish Council and seek to uphold the image and reputation of the Council and will not bring my Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your Council and may lower the public's confidence in you or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the Council and fellow Councillors to account and are able to bring legitimate challenge in relation to Council functions and operation, criticise and express concern about decisions, services and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct. The Code of Conduct does not stifle political debate, or prevent Councillors from campaigning on issues of local concern.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a Councillor of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others.

However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and*
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.*

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business, personal, or political gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors of the Council this includes Town and Parishes.

You need to register your interests so that the public, council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I will only accept gifts and hospitality when on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the gift or hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

10.3 I will register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

Whatever gift or hospitality is provided to you, other than a gift or hospitality of nominal value only (such as drink, or small items of stationery), you should report the circumstances and the type of hospitality to the Monitoring Officer. Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted.

In order to protect your position and the reputation of your Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

Corporate gifts and/or hospitality may on occasion be offered to Councillors carrying out duties associated with a ceremonial role such as Mayor. If the gift or hospitality is offered in ceremonial capacity, it can be accepted and noted on the register for the office being held. For example, the Mayor receives a gift on behalf of the Council, the gift will be recorded in the Mayors register and retained by the Council. A gift received by the Mayor as a token of thanks for attending a function, such as flowers, will be recorded as a personal gift within the register as appropriate. Gifts of a greater value should only be accepted on the basis that the gift or hospitality is declared. Gifts or hospitality (if appropriate) accepted in a ceremonial capacity may be donated to charitable or other appropriate causes such as the Mayors Charity.

You do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact the Monitoring Officer for guidance.

11. Predetermination, predisposition and bias

Issues of predetermination, predisposition and bias can arise in parallel to the provisions of the Code of Conduct, but are not part of the Code itself. For further information, please consult specific guidance available at the following links:

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register

details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you are the Chairperson of any committee and have a disclosable pecuniary interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (**and is not a Disclosable Pecuniary Interest set out in Table 1**) or a

financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

8. Where a matter arises at a meeting which **affects** –

a. your own financial interest or well-being;

b. a; or

c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you are the Chairperson of any committee and have another Registrable Interest or Non-Registrable Interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land and Property - Any beneficial interest in land which is within the area of the council.

'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses - Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies - Any tenancy where (to the Member's knowledge)—

- (a) the landlord is the council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities - Any beneficial interest in securities* of a body where—

- (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and
- (b) either—
 - (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- **'director'** includes a member of the committee of management of an industrial and provident society.

- **'securities'** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix C

Poynton Town Council

Poynton Town Council's Internal Complaints Procedure

(English Law will take precedent over anything written below)

DEFINITION OF A COMPLAINT

For the purposes of the Town Council a complaint is defined as: *any expression of dissatisfaction about the standard of service, behaviour, actions or lack of action by the Town Council, Councillors, co-opted Members, or Council staff.*

What the complaints procedure will deal with:

The complaints procedure will deal with matters of maladministration and misconduct by staff and co-opted members

What the complaints procedure will not deal with:

- Formal Complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by Cheshire East Council's Monitoring Officer.
- Complaints of Financial Irregularities will be referred to the Town Council's External Auditor
- Complaints about criminality will be referred to the police
- Complaints about decisions lawfully made by the Town Council in the conduct of its business:
- Complaints for which there is a legal remedy, or where legal proceedings are already in progress;
- Complaints about staff employment matters – the Town Council operates alternative procedures to deal with grievances from, or disciplinary matters against, staff.

INFORMAL COMPLAINT

1. Where possible, the Town Council would wish to solve any complaint informally prior to a formal complaint being lodged. When a complaint is received, the complainant usually wants a 'quick fix' and an apology if the council are at fault; examples are the late payment of an invoice or not responding to a letter. The council will put things right as quickly as possible and admit fault if that is the case. If it is unable to help or in disagreement with the complaint, it will state clearly in writing why it takes that view.
2. An informal complaint should be made to the Town Clerk who will liaise with the complainant and relevant members / officers to seek resolution.

3. Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint
4. Should, in the opinion of the Town Clerk or Town Mayor, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.
5. Whilst there is no defined process for an informal complaint, full records must be kept of any communication and attempts at resolution

FORMAL COMPLAINTS ABOUT COUNCILLORS

6. The Town Council does not consider formal complaints about its members. A formal complaint about a member should be addressed to the Monitoring Officer of Cheshire East Council who will arrange the investigation of the complaint. Cheshire East Council has its own policies for dealing with such complaints.
7. The contact details for the Monitoring Officer are: The Monitoring Officer Cheshire East Council Westfields Middlewich Road Sandbach CW11 1HZ
monitoringofficercec@cheshireeast.gov.uk

OTHER FORMAL COMPLAINTS

8. Formal complaints must be made in writing to the Town Clerk; setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
9. If a complainant prefers not to put the complaint to the Clerk, he or she will be advised to put it to the Town Mayor.
10. The Clerk / Town Mayor will acknowledge receipt of the complaint by writing to the complainant within three working days, whenever possible.
11. The response will confirm the complaint will be treated as confidential and confirm the next steps in the complaints procedure.
12. The Clerk (or Mayor) will try to resolve the issue directly with the complainant. If the complaint is about a particular individual, the Clerk (or Mayor) will first notify the person complained of, and give him or her, an opportunity to comment on the complaint.
13. The Clerk or Mayor shall report to the next meeting of the Management and Establishment Committee brief details of any formal written complaints disposed of by direct action with the complainants. Such reports shall not normally name the complainant or any other parties.

Formal Complaints about the Council, Committees or Decisions

14. Where the Clerk / Mayor receives a formal written complaint about a decision, the general operations of the Council or the Council as a body which cannot be settled, The Clerk or Mayor shall bring any written complaint to the next meeting of the Management and Establishment Committee. (The committee may resolve to refer particularly serious complaints directly to full Council).
15. All complaints will be heard within 30 days of them being made and acknowledged. The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which professional advice is needed. The complaint shall be dealt with at the next appropriate meeting after such advice has been received.
16. The Clerk will notify the complainant of the date on which the complaint will be considered, when the complainant will be offered an opportunity to explain the complaint orally or in writing.

Formal written complaints about Officers/Employees

17. Formal Complaints about Officers / Employees will be referred to the appropriate Line Manager and be processed in accordance with the Town Council's disciplinary procedures.
18. Where the Clerk receives a written complaint about his or her own actions he or she shall refer the complaint promptly to the Chairman of the Management and Establishment Committee.
19. Any complaint against the Clerk will be dealt with in accordance with the Town Council's disciplinary procedures.

DECISIONS ON COMPLAINTS

20. As soon as the decision has been made, it will be communicated in writing to the complainant, explaining the action to be taken, if any, with timescales.
21. Where the Town Council receives 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 Town Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.
22. Individual complaints will be formally recorded at M & E as a part B agenda item. These will be kept as a confidential record for a period of three years and may be used as evidence in any further complaints against the same individual within that period. Thereafter they will be retained in the Town Council archive against any future official, legitimate, requests from sources external to the Town Council.

VEXATIOUS COMPLAINTS

23. A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.
24. If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.
25. If a complainant is to be classified as vexatious they shall be informed so and given a timescale of how long this will remain the case.
26. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits

Appendix D

Poynton Town Council

Poynton Town Council Scheme of Delegation to Council, Committees and Officers

This Scheme of Delegation authorises the Proper Officer and Responsible Finance Officer (which may be one and the same person), Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

Delegation to Committees and Sub-Committees

Council

Lead officer – Town Clerk

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration.

1. Approval of budget and setting the precept.
2. Approval of the Annual Return and audit of accounts.
3. Authorisation of borrowing.
4. The power of incurring capital expenditure not specifically included in the Council's annual budget.
5. Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation.
6. Making of orders under any statutory powers.
7. Making, amending or revoking by-laws.
8. Appointment of standing committees.
9. Filling of vacancies occurring on any committee of the Council during the council year.
10. The appointment to or co-option on a committee or sub-committee of a person (on a strictly non-voting basis) who is not a member of the council or the committee.
11. Appointing or nominating council representatives to outside bodies.
12. Matters of principle or policy.
13. Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the Finance and General Purposes Committee.
14. Decision to create, approve or review the Area Neighbourhood Plan.

15. Prosecution or defence in a court of law other than an employment tribunal or fixed penalty notice.
16. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.
17. The appointment or dismissal of the Town Clerk.
18. Dismissal of members of staff.
19. Dates of meetings of the Council.
20. All other matters which must, by law, be reserved to the full Council.

Delegation to Committees

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.

The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

The Council and each Committee is authorised to establish sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work. The remit of a working group will be decided upon at the time it is formed and the Parent Committee will approve a remit. Each working group will report back with recommendations to the Council or the Committee that formed it.

Finance and General Purposes Committee

Lead Officer – Town Clerk

The Finance and General Purposes Committee shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its minutes as true and correct records.
2. Ensuring the Annual Return (Statement of Accounts) is completed in accordance with requirements and recommend to Council accordingly.
3. All other matters relating to finance (excluding the setting of a precept or any amount to be borrowed and also excluding the approval of unbudgeted capital expenditure).
4. Budget monitoring, taking action where required to vire (transfer) unspent provision to ensure that the overall budget strategy is maintained.
5. Approval of expenditure on items within the Committee's area of responsibility and included in the approved council budget up to the amount specified in the budget (up to a maximum of £10,000).
6. To determine authority to spend on behalf of the Town Council for amounts over £10,000 within the class of expenditure in the budget.
7. All matters relating to internal and external audit. To ensure that an adequate and effective system of internal controls is in place to secure the integrity of finances and any other information, including the introduction of effective systems of risk management, and consideration of and action on all reports emanating from the internal and external auditors.
8. To ensure the preservation of probity and good financial and other practices within the Council, including accountability for debt monitoring and recovery.
9. To review the Town Council's insurance cover.
10. To recommend to the Town Council the risk management strategy.
11. Electoral matters.
12. The maintenance of a fixed asset register covering all items purchased exceeding £500. The safe custody and upkeep of all assets and objects of interest or value in the ownerships or custodianship of the Council.
13. The maintenance and safe custody of the civic regalia.
14. Corporate management, council administration and policy.
15. To make recommendations to Council on the review of the Council's Financial Regulations.
16. To make recommendations to Council on the budgets of the committee, all committees and to recommend an annual precept to the Town Council.
17. To approve the scale of charges in the context of the income and expenditure requirements of the Council.

18. Acting as lead Committee in respect of any partnership initiative of a corporate nature with Cheshire East Council or any other public bodies, making recommendations on terms of reference and constitutional matters.
19. To oversee twinning matters.
20. To consider and award contracts for work.
21. To review the Council policies in relation to Privacy and Data Protection
22. Any other matter which may be delegated to it by the Council from time to time.

Planning and Environment Committee

Lead Officer – Town Clerk

The Planning and Environment Committee shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its minutes as true and correct records.
2. To prepare an annual draft budget that is sufficient to fund the Committee's priorities, objectives and activities, and to have outline spending plans for any accumulated Earmarked Reserves.
3. To make observations on all planning, licensing applications and consultations, and submit those observations to the appropriate authority. When necessary, hold meetings with residents, developers or planning officers to assist with the formulation of those observations.
4. To receive, and where appropriate, respond to notifications of planning appeals.
5. To monitor and take appropriate action on planning issues in the neighbouring areas that could impact on the Town.
6. To monitor and take appropriate action on new road schemes concerning the Town.
7. To identify, comment upon and refer to the relevant authorities any matters considered to be in breach of planning permission.
8. To comment upon and monitor Tree Preservation Orders and to seek approval for further TPO's if deemed necessary.
9. Street naming.
10. To respond to all consultations and to take part in any discussions which could result in changes to the Cheshire East Local Plan, Planning Policy Statements, Town & Country Planning Act etc.
11. The Planning Committee will consider all applications in a consistent manner, including those submitted by or on behalf of members of the Council or on behalf of the Council itself.
12. To respond to and take appropriate action on any environmental issues affecting Poynton (e.g. fly tipping, air monitoring, bin collections).
13. To prepare environmental policies for the Town Council.
14. To consider and comment on any environmental issues that affect the Town.
15. To keep the Poynton Neighbourhood Plan under review.
16. To authorise spending that the Committee is responsible for up to the individual budget line but to a maximum of £10,000.
17. To take action with regard to any other planning or environmental issues not specified above.
18. Any other matter which may be delegated to it by the Council from time to time.

Facilities Infrastructure and Economic Development

Lead Officer – Town Clerk

The Facilities, Infrastructure and Economic Development Committee shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its minutes as true and correct records.
2. To prepare an annual draft budget that is adequate to fund the Committee's priorities, objectives and activities, and to have outline spending plans for accumulated Earmarked Reserves.
3. Liaison with Cheshire East Council and utility companies on issues such as highway projects and maintenance, street lighting, gritting, clearing gullies and culverts and tree maintenance.
4. To oversee the management of all the Town Council's property and assets, including the Civic Hall, the Town Council owned parks and areas of Prince's and Lady's Inclines, noticeboards, benches and bus shelters.
5. Management of the Coppice Road Allotments, in conjunction with the Coppice Road Allotments Association.
6. To oversee the management of other areas managed but not owned by the Town Council.
7. To consider the acquisition or disposal of assets and recommend accordingly.
8. Enforcing the byelaws that govern the use of Poynton's parks and open spaces.
9. Liaison with Cheshire East on open spaces.
10. The maintenance of street lights owned by the Town Council.
11. To make recommendations to Council on matters of a strategic nature including parking strategies.
12. To maintain links with the Poynton business community and to initiate and participate in economic development initiatives.
13. The promotion of Poynton's visitor economy.
14. To undertake an annual review of the Community Resilience Plan.
15. Liaison with Poynton In Bloom.
16. To review the work of the Operations Manager and to monitor the Operations Issues Log.
17. To take action with regard to any other issues concerning facilities, infrastructure, and economic development not specified above.
18. To ensure that all works carried out on the Council's properties have due regard to Health and Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.

19. To ensure the co-ordination of an effective culture of health and safety throughout the Council in order to ensure compliance with the HASAW Act 1974 and other legislation, liaising as appropriate with other committees.
20. To authorise spending that the Committee is responsible for up to the individual budget line but to a maximum of £10,000.
21. Any other matter which may be delegated to it by the Council from time to time.

Community Order and Public Safety Committee

Lead Officer – Town Clerk

The Community and Environment Committee shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its minutes as true and correct records.
2. To prepare an annual draft budget that is sufficient to fund the Committee's priorities, objectives and activities, and to have outline spending plans for any accumulated COPS Earmarked Reserves.
3. To consider, and take actions or make provision for the prevention, deterrence and detection of any form of crime and disorder - either directly or in support of other councils, agencies, the emergency services and individuals.
4. To monitor and review the work of the Council Community Support Team.
5. To liaise with Cheshire Police regarding all policing matters in Poynton.
6. To monitor and review the provision of the CCTV network, and to consider the regular reports on CCTV monitoring provided by Cheshire East.
7. To be responsible for the Town Council's process for the issuing of fixed penalty notices and all legal issues relating to the work of the Council Community Support Team.
8. Co-ordination of any Town Council community safety initiatives.
9. To consider, and when and where necessary to take actions or make provision to enhance the safety and wellbeing of residents - either directly or in support of other councils, agencies, the emergency services and individuals.
10. To monitor and review the work of the Communities Co-ordinator including involvement with outside organisations and partnerships.
11. To monitor and promote the Town Council's Poynton Easy Access Scheme (PEAS).
12. To monitor the service provided by the Citizens Advice outreach service in Poynton.
13. To consider bids for Town Council Community Grants and funding for Town Council-led community events.
14. To be responsible for the Town Council's communications and communications strategy.
15. To take action on any other community, order or public safety issues not specified above.
16. To authorise spending that the Committee is responsible for up to the individual budget line but to a maximum of £10,000.
17. Any other matter which may be delegated to it by the Council from time to time.

Management and Establishment

The Management and Establishment Committee shall be delegated to make decisions on behalf of the Council in the following matters:

This Committee is made up of the Chairmen of the Finance and General Purposes Committee, Facilities Infrastructure and Economic Development Committee, Planning and Environment Committee and Community and Public Safety Committee plus up to four other members chosen by the Council.

1. To develop and review the Town Council's Strategic Plan.
2. To ensure that the Town Council's strategic policies and procedures are undertaken in accordance with statutory and legislative requirements.
3. To monitor and regularly review the Town Council's Business Continuity Plan.
4. To be responsible for the Town Council's Annual Report.
5. To consider and approve nominations for the annual Civic Awards.
6. To ensure the induction and training of new councillors, including both external and internal training.
7. To record and monitor fund-raising from the Mayor's activities and to manage administrative support for the Mayoral activities.
8. To work with the Town Clerk to ensure that the Town Council is staffed sufficiently to provide for the effective operation of the Town Council and the Civic Hall.
9. To recruit and appoint members of staff including drafting job descriptions, person specifications and contracts of employment.
10. To monitor staff workloads, working conditions, work/life balance and wellbeing.
11. To establish a Performance Management/Appraisal policy for all members of staff.
12. To review terms and conditions of service, pension provisions, job descriptions, person specifications and contracts of employment.
13. To carry out an annual review of salaries including job re-grading.
14. To carry out staffing reviews subject to ratification by the Town Council.
15. To approve the procedures for dealing with discipline and grievances and all staffing policies.
16. To conduct the Performance Management /Appraisal of the Town Clerk.
17. The Chair and Vice Chair acts as the line manager in all matters relating to the Clerk. In the absence of one or both then another member/s of the Committee would be co-opted to act as line manager/s.
18. To review the Town Council's Standing Orders.
19. To administer the Town Council's Internal Complaints Procedures.
20. To take action with regard to any other issues concerning staffing and all management of Poynton Town Council not specified above.

21. To be responsible for all aspects of reviewing Health and Safety policy and monitoring health and safety incidents.
22. To authorise spending that the Committee is responsible for up to the individual budget line but to a maximum of £10,000.

Delegation to Officers

Responsible Finance Officer

The Town Clerk shall be the Responsible Finance Officer to the Council and shall be responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

1. Receive declarations of Acceptance of Office;
2. Receive Registers of Members' Interests;
3. Serve on councillors, at least three clear days before a meeting of the Council, a committee or a sub-committee, 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;
4. Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
5. Keep proper records for all meetings;
6. Receive and retain plans and documents;
7. Sign notices or other documents on behalf of the Council;
8. Receive and retain copies of byelaws made by other local authorities;
9. Certify copies of byelaws made by the Council;
10. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
11. Receive from Cheshire East's Monitoring Officer any documents in relation to complaints received under the Members' Code of Conduct and report this at the next convenient meeting of the Council.

In addition, the Town Clerk, has the delegated authority to undertake the following matters on behalf of the Council:

1. The day to day administration of services, together with routine inspection and control.
2. Manage all council staff, either directly or indirectly.

3. Authorisation of routine expenditure up to £2500 within the agreed budget.
4. Emergency expenditure up to £500 outside the agreed budget.
5. Act on behalf of the Council in an urgent situation and report back to the Council as soon as practicable.
6. Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor and/or the Chairman of the appropriate Committee.
7. Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
8. Manage the provision of Council services, buildings, land and resources (indirectly where service managers have delegated responsibility).
9. Deal with matters specifically delegated by Council or Committee.
10. Responsible for the overall management of all budgets in accordance with Council policies.
11. Authorised to issue press releases on any Council activity exercised in accordance with Council policy.
12. Editorial control of the Council's website and social media.
13. Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.