

MAGHULL TOWN COUNCIL



**MAGHULL
TOWN
COUNCIL**

CONSTITUTION

May 2019

<u>INDEX</u>	<u>PAGE NO.</u>
MEETINGS	3
ORDINARY COUNCIL MEETINGS	7
PETITIONS	9
PUBLIC OPEN FORUM	10
PROPER OFFICER	12
MOTIONS REQUIRING WRITTEN NOTICE	14
MOTIONS NOT REQUIRING WRITTEN NOTICE	15
RULES OF DEBATE	16
CODE OF CONDUCT	20
QUESTIONS	20
MINUTES	21
DISORDERLY CONDUCT	21
RECISSION OF PREVIOUS RESOLUTIONS	22
VOTING ON APPOINTMENTS	22
EXPENDITURE	22
EXECUTION AND SEALING OF LEGAL DEEDS	23
COMMITTEES	23
SUB-COMMITTEES	25
EXTRAORDINARY MEETINGS	25
ADVISORY COMMITTEES	26
ACCOUNTS AND FINANCIAL STATEMENTS	26
ESTIMATES/PRECEPTS	27
CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS	27

INSPECTION OF DOCUMENTS	27
UNAUTHORISED ACTIVITIES	28
CONFIDENTIAL BUSINESS	28
POWER TO PROMOTE WELL-BEING	28
MATTERS AFFECTING COUNCIL EMPLOYEES	29
FREEDOM OF INFORMATION ACT 2000	30
LIAISON WITH SEFTON MBC	30
FINANCIAL MATTERS	30
ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT	32
VARIATION, REVOCATION AND SUSPENSION OF CONSTITUTION	32
CONSTITUTION TO BE GIVEN TO COUNCILLORS	32
MEDIA	33

The following **Constitution** shall apply to the Town Council, its committees and sub-committees insofar as they are applicable.

1 MEETINGS

Key

- Mandatory for full Council meetings ●
- Mandatory for committee meetings ●
- Mandatory for sub-committee meetings ●

- a) **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**

- b) **At least 3 clear days notice of Council meetings must be given to Councillors and the public. When calculating the 3 clear days, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

- c) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.**

- d) Subject to Constitution 1(c) above, at the start of each Meeting of the Council and its Committees there shall be a period of time allowed for members of the public to make representations, ask or answer questions and give evidence in respect of any matter within the competence of the Council or that Committee. Similarly members of the public may present petitions, and speak thereto, provided that the petition has been signed by persons from at least ten households within the Maghull Town Council area.

- e) The period of time which is at the Chair's discretion shall not exceed 15 minutes.
- f) Subject to Constitution 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- g) In accordance with Constitution 1(f) above, the Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- h) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- i) At all meetings of the Council, the Chair may, with the consent of the meeting, adjourn the meeting for a specified time to allow members of the public to address the meeting in relation to the business transacted at the meeting and to allow a more informal discussion to take place.
- j) Any person speaking at a meeting shall address comments to the Chair. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair may at any time permit an individual to remain seated when speaking.
- k) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- l) If a member of the public interrupts the proceedings of any Meeting, the presiding Chair may, after warning, order that the person be removed from

the Council Chamber.

- ● m) **In accordance with Constitution 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- n) **Subject to this Constitution which indicates otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**
- o) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- ●
● p) **Subject to Constitution 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- ●
● q) **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (*See also Constitution 2 (h) and (i) below.*)**
- r) **Voting on any question shall be by a show of hands, or, if at least two Members so request, by signed ballot. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- ●
● s) **The minutes of a meeting shall record the names of Councillors**

present and apologies for absence. The minutes of a meeting shall be a reflection of the meeting.

- t) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- •
• u) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- •
• v) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also Constitution 9 and 10 below.)**
- w) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**
- •
• x) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**

2 ORDINARY COUNCIL MEETINGS

(See also Constitution 1 above).

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c) **Ordinary Meetings of the Council shall be held at the Town Hall, Hall Lane, Maghull every sixth Wednesday commencing 6.30 p.m. or at such other place and such time as the Council shall determine.**
- d) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e) **The election of the Chair, who shall be the Town Mayor and Vice-Chair, who shall be the Deputy Town Mayor, of the Council shall be the first business completed at the annual meeting of the Council.**
- f) **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
The Mayor is normally appointed for only one year.
- g) **The Vice-Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h) **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in**

the case of an equality of votes.

- i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**

- j) Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i) In an election year, delivery by Councillors of their declarations of acceptance of office.

 - ii) Confirmation of the accuracy of the minutes of the last meeting of the Council.

 - iii) Receipt of nominations to existing committees.

 - iv) Appointment of the Leader and Deputy Leader of the Council (to be appointed from the majority political group)

 - v) Confirmation of the terms of reference for the Leader and Deputy Leader of the Council

 - vi) Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.

 - vii) Review of representation on or work with external bodies and arrangements for reporting back.

 - viii) Review and adoption of appropriate Constitution and financial regulations.

 - ix) Review of arrangements, including any charters, with other local

authorities and review of contributions made to expenditure incurred by other local authorities.

- x) In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xi) Review of inventory of land and assets including buildings and office equipment.
- xii) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii) Review of the Council's and/or employees' memberships of other bodies.
- xiv) Establishing or reviewing the Council's complaints procedure.
- xv) Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi) Establishing or reviewing the Council's policy for dealing with the press/media.
- xvii) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3. PETITIONS

- a) Petitions may be received at (ordinary) meetings of the Town Council provided that the petition is received by the Town Clerk of the Council no later than eight days before the day of the meeting and is signed by at least ten electors within the township.

- b) Petitions may only be about a matter for which the Town Council has a responsibility.
- c) Petitions will not be received by the Town Council which are a furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government.
- d) A petition will not be received by the Town Council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Town Council in the last six months.
- e) One signatory of the petition may speak to the Town Council meeting for no more than five minutes.
- f) No discussion shall take place on the petition. A member may move (for example) that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted upon without discussion.
- g) No more than two petitions will be received at a meeting.

4 PUBLIC OPEN FORUM

- a) Members of the public may ask questions of the Chairman at ordinary meetings of the Town Council. A maximum period of 15 minutes will be available for questions by the public at each ordinary meeting of the Town Council.
- b) A question from a precept paying resident may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk of the Council no later than eight days before the day of the Town Council ordinary meeting. Each question must give the name and address of the questioner.

- c) At any one meeting, no person may submit more than one question and no more than two questions may be asked on behalf of one organisation or community group.

- d) The Chairman of the Town Council will reject a question if it:
 - (i) Is not about a matter for which the Town Council has responsibility
 - (ii) Is defamatory, frivolous or offensive.
 - (iii) Is substantially the same issue as a question which has been put at a meeting of the Town Council in the past six months.
 - (iv) Aims solely at furthering the personal interests of an individual.
 - (v) Discloses or requires the disclosure of confidential or exempt information.
 - (vi) Relates to a matter where there is an ongoing investigation or appeals to the courts, a tribunal, government or any statutory organisations.
 - (vii) Relates to the conduct of Town Council employees.

- e) The Town Council's minutes will record all questions received. Upon receipt of a question, the Town Clerk of the Council will immediately send a copy of the question to the Chairman. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

- f) Questions by members of the public will be dealt with in the order in which they were received, except that the Chairman may group questions together if he/she considers that this would be conducive to the conduct of the meeting.

- g) The Chairman will invite the questioner to put the question and the Chairman will respond to the question. If a questioner who has submitted a written question is unable to be present, the question will not be asked. The questioner may request that the Town Clerk of the Council to ask the question on their behalf.

- h) The questioner will be posted a copy of the written response following the meeting. Any question which cannot be dealt with during the Public Open Forum, either because of lack of time or because of the non-attendance of the questioner will also be posted a written response following the meeting.
- i) No discussion or debate will take place on any question.

5 PROPER OFFICER

- a) The Council's Proper Officer shall either be:-
 - i) The Town Clerk or
 - ii) Nominated Officer
- b) The Council's Proper Officer shall do the following:
 - i) **Serve on Councillors by delivery, post or e-mail at their residences or email addresses, a signed summons confirming the time, venue and the agenda of a meeting of the Council and/or meeting of a Committee or Sub-Committee at least 3 working days before the meeting.** Paper copies of all agendas and reports will be made available for all Councillors at the meeting.
 - ii) **Give public notice of the time, date and venue and agenda at least 3 clear working days before a meeting of the Councillor a meeting of a Committee or a Sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
 - iii) Subject to Constitution 6(a) to (e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least 10 days before the meeting confirming their withdrawal of it.

- iv) **Convene a meeting of full Council for the election of a new Chair of the Council occasioned by a casual vacancy in the office, in accordance with [5 (b) i] or [5 (b) ii] above.**
- v) Make available for inspection the minutes of the meetings.
- vi) **Receive and retain copies of byelaws made by the Council as well as other Local Authorities.**
- vii) **Receive and retain declaration of acceptance of office from Councillors.**
- viii) Retain a copy of every Councillor's register of interests (pecuniary or otherwise), and any changes to it and keep copies of the same for inspection.
- ix) Keep proper records required before and after meetings.
- x) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi) Manage the organisation, storage and access to information held by the Council in paper and/or electronic form.
- xii) Arrange for legal deeds to be signed by two Councillors and witnesses (See also Constitution 16 (a) & (b).)
- xiii) Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv) For every planning application notified to the Council, record the date on which it was received, the reference number and the place to which it refers as soon as it is received.

- xv) Refer every major planning application received to Council. Details of plans shall be available to Councillors and the public at the Council's offices during normal opening hours.
- xvi) Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xvii) Action or undertake activity or responsibilities instructed by resolution or contained in Constitution.

6 MOTIONS REQUIRING WRITTEN NOTICE

- a) In accordance with Constitution 5 (b) (iii) above, no motion may be moved at a meeting unless the business to which it relates has been put on the Agenda by the Town Clerk (or nominated Officer) or the mover has given written notice of its wording to the Council's Proper Officer at least 10 working days before the next meeting.
- b) The Proper Officer may, before including a motion in the agenda received in accordance with Constitution 6 (a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Proper Officer considers the wording of a motion received in accordance with Constitution 6 (a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 10 working days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting, or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

- e) Having consulted the Chair or Councillors pursuant to Standing Order 6 (d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f) Notice of every motion received in accordance with the Council's Constitution shall be dated and numbered in the order received and shall be filed and the file shall be open to inspection by all Councillors.
- g) Every motion rejected in accordance with the Council's Constitution shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a file for that purpose, which shall be open to inspection by all Councillors.
- h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- i) Subject to Constitution 5 (b) (iii) above, a motion included in the agenda not moved by the Councillor who tabled it, may be treated as withdrawn.

7 MOTIONS NOT REQUIRING WRITTEN NOTICE

- a) Motions in respect of the following matters may be moved without written notice.
 - i) To appoint a person to preside at a meeting.
 - ii) To approve the absences of Councillors.
 - iii) To approve the accuracy of the minutes of the previous meeting.
 - iv) To correct an inaccuracy in the minutes of the previous meeting.
 - v) To dispose of business, if any, remaining from the last meeting.
 - vi) To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii) To proceed to the next business on the agenda.
 - viii) To close or adjourn debate.
 - ix) To refer by formal delegation a matter to a committee or a sub-committee or an employee.

- x) To appoint a committee or sub-committee or any Councillors thereto.
- xi) To receive nominations to a committee or sub-committee.
- xii) To dissolve a committee or sub-committee.
- xiii) To note the minutes of a meeting of a committee or sub-committee.
- xiv) To consider a report and/or recommendations made by a committee or a sub-committee.
- xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi) To authorise legal deeds to be signed by two Councillors and witnessed (See Constitution 16 (a) and (b) below.
- xvii) To authorise the payment of monies.
- xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix) To give leave to withdraw a resolution or amendment.
- xx) To extend the time limit for speeches.
- xxi) To exclude the press and public for all or part of a meeting.
- xxii) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxiii) To give the consent of the Council if such consent is required by Constitution.
- xxiv) To suspend any provision of the Constitution except those which are mandatory by law ((in bold type)**
- xxv) To adjourn the meeting.
- xxvi) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvii) To answer questions from Councillors.
- xxviii) To consider otherwise than in Committee a question affecting an employee of the Council (see Constitution 26).

- b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee

provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

8 RULES OF DEBATE

- a) Councillors shall address the presiding Chair.
- b) A Councillor shall indicate that they wish to speak by raising a hand and Councillors shall be heard in the order in which they indicated. If two or more Councillors indicate at once, the presiding Chair shall call upon one of them to speak before the other.
- c) Whenever the presiding Chair speaks during a debate all other Councillors shall be silent.
- d) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless the proper notice has already been given, it shall, if required by the Presiding Chair, be reduced to writing and handed to them before it is further discussed or put to the Meeting.
- e) A Councillor when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.
- f) A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point or order.
- g) No speech by a mover of a motion shall exceed 5 minutes by consent of the Council and no other speech shall exceed 3 minutes except with such consent.
- h) A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- i) Any amendment to a motion shall be either:
 - i) To leave out words.
 - ii) To add words.
 - iii) To leave out words and add other words.

- j) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

- k) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

- l) Subject to Constitution 8(k) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.

- m) Pursuant to Constitution 8(k) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.

- n) If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.

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

- p) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.

- q) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- r) Subject to Constitution 8(p) and (q) above, a Councillor may not speak further

in respect of any one motion except to move an amendment or further amendment, speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation, or to move a closure.

- s) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the irregularity in the meeting they are concerned by. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.
- t) A point of order, or the admissibility of a personal explanation shall be decided by the Chair and their decision shall be final.
- u) With the consent of the meeting, a motion or amendment may be withdrawn by the proposer. No Councillor may speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- v) Subject to Constitution 8 (r) above, when a Councillor's motion is under debate no other motion shall be moved except:
 - i) To amend the motion.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate to an agreed date.
 - iv) To put the motion to a vote.
 - v) To ask a person to be silent or for them to leave the meeting.
 - vi) To refer a motion to a committee or sub-committee for consideration.
 - vii) To exclude the public and press.
 - viii) To adjourn the meeting.
 - ix) To suspend any provision of the Constitution, except those which are mandatory (**In bold type**).

- w) In respect of Constitution 8(v)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

9 CODE OF CONDUCT

- a) **All Councillors shall observe the code of conduct adopted by the Council.**
- b) All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) It is a criminal offence for a member to participate and vote at a meeting on a matter which he / she is deemed to have a disclosable pecuniary interest. If a member is unsure as to whether they hold a disclosable pecuniary interest in a matter they should first seek advice from the Town Clerk well in advance of the meeting. If they feel they have a disclosable pecuniary interest then the Council will have to approve a dispensation prior to participating in the item at the meeting. Details of the dispensation will be recorded in the minutes.
- d) Where a member has a disclosable pecuniary interest in a matter he / she will leave the room whilst the matter is being discussed unless they have been given a dispensation as per 9(c).

10 QUESTIONS

- a) A Councillor may seek an answer concerning any business of the Council provided 3 clear days of notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall

only be asked during the part of the meeting set aside for such questions.

- c) Every question shall be put and answered without discussion.

11 MINUTES

- a) If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Constitution 6(a)(iv) above.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- e) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting will be destroyed.

12 DISORDERLY CONDUCT

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

- b) If, in the opinion of the Chair, there has been a breach of Constitution 12(a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c) If a resolution made in accordance with Constitution 12(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

13 RESCISSION OF PREVIOUS RESOLUTUONS

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least nine Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to Constitution 13(a) above has been disposed of, no similar motion may be moved within a further 6 months.

14 VOTING ON APPOINTMENTS

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

15 EXPENDITURE

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

- b) The Council's financial regulations shall be reviewed once a year.
- c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

16 EXECUTION AND SEALING OF LEGAL DEEDS

See also Constitution 7(a) (xvi) above

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) **In accordance with a resolution made under Constitution 16(a) above, the Leader and the Deputy Leader or approved delegate of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

17 COMMITTEES

(See also Constitution 1 above).

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i) Shall determine their terms of reference.
 - 1. May permit committees, Task and Finish Committees and Working Parties to determine the dates of their meetings.
 - 2. Shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee, Task and Finish Committee or Working Party (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting.

3. May in accordance with Constitution, dissolve a committee, Task and Finish Committee or Working Party at any time.
- b) A Committee shall have delegated powers, which may be to conclude the matter referred to it or may be to progress matters to a specified point where a report to Council is required. A Committee may make decisions that are binding on the Council as empowered by its remit.
 - c) A Working Party may co-opt others to help progress business to a point where a report is brought to Council for decision. A Working Party cannot make decisions that are binding upon the Council.
 - d) Unless Council has named the Chair, every Committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair.
 - e) The Constitution on rules of debate (except those parts relating to speaking more than once) shall apply to Committee and Sub-committee meetings.
 - f) Members of committees wishing to submit items for inclusion on the Agenda shall consult the Chair of the Committee concerned who will instruct the Town Clerk accordingly at least 14 clear days before the next meeting of the committee.
 - g) Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
 - h) Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
 - i) **Standing Committees:** The role of Maghull Town Council's standing committees are as follows:
 - i) **Finance and General Purpose:** To have such delegated power as

Council may decide and to provide the monitoring role in relation to all Council finances and have the role of raising the profile of internal control, risk management and financial reporting issues as well as consideration of issues raised by internal and external auditors. In relation to corporate governance provides a scrutiny role as well as an ability to call in decisions from other Committees of the Council.

- ii) **Community Services Committee** : To have such delegated power as Council may decide and to provide the development and management of community support activities including the provision and maintenance of facilities, liaison with other bodies and cultural support.
- iii) **Amenities Committee**: To have such delegated power as council may decide and to deal with the provision, maintenance and management of all Council landholdings including parks, recreation grounds, public open spaces, children's play facilities, the closed cemetery and the Works Depot. To include the making of recommendations annually to the Finance and General Purposes Committee of rents and charges relating thereto.
- iv) **Personnel Sub Committee**: To be a sub committee of Finance and General Purposes Committee and to have such delegated power as Council may decide and provide the role concerned with the Council's Staff, which will include, staff structure, conditions of employment, appointments, training needs, performance appraisals etc.

For reasons of staff confidentiality, these meetings are not open to members of the public..

18 **SUB-COMMITTEES**

(See also Constitution 1 above)

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be

determined by resolution of the committee.

19 EXTRAORDINARY MEETINGS

(See also Constitution 1 above)

- a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

- b) **If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested, in writing, to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

- c) The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

- d) If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested in writing to do so by 2 members of the committee (or sub-committee), those 2 members may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 members.

20 ADVISORY COMMITTEES

(See also Constitution 1 above)

- a) The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.

- b) Advisory committees and any sub-committees may consist wholly of persons who are non-Councillors.

21 ACCOUNTS AND FINANCIAL STATEMENTS

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each Finance and General Purposes Committee a list of Council receipts and payments during the previous period for scrutiny. The minutes from this bi-monthly Committee will then be ratified at full Council. The Council's Annual Statement of Accounts (which is subject to external audit), including the annual governance statement shall be presented to Council for formal approval before 30th June.

22 ESTIMATES/PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December. These estimates will be reported to the Finance and General Purposes Committee and ratified at Full Council.

23 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, either as a Councillor or Officer shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Constitution to every candidate.
- b) A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for

submission to the Council with an application for appointment.

- c) This Constitution shall apply to tenders as if the person making the tender were a candidate for an appointment.

24 INSPECTION OF DOCUMENTS

- a) Subject to Constitution to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.
- b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.
- c) Except for those items considered in closed session under Constitution 1c all minutes of Council or Committee meetings shall be available to interested members of the public.

25 UNAUTHORISED ACTIVITIES

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

26 CONFIDENTIAL BUSINESS

- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

- b) A Councillor in breach of the provisions of Constitution 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

27 POWER OF GENERAL COMPETENCE

- a) **Before exercising the power of general competence, a meeting of the Town Council shall have passed a resolution to confirm that it has satisfied the prescribed statutory criteria required to qualify as an eligible town council.**
- b) **The Town Council's period of eligibility begins on the date that the resolution was made and expires on the day before the Annual General Meeting of the Town Council that takes place in a year of ordinary elections.**
- c) **After the expiry of its preceding period of eligibility, the Town Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power of general competence which was not completed before the expiry of the Town Council's preceding period of eligibility referred to above.**

28 MATTERS AFFECTING COUNCIL EMPLOYEES

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Committee (as the case may be) has decided whether or not the press and public shall be excluded pursuant to Constitution 1 (c) above.
- b) Performance appraisals for all Council employees will be carried out in accordance with the Council's policy.
- c) Disciplinary and grievance matters shall be handled in accordance with the Council's policy.
- d) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- e) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- f) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- g) Only persons with line management responsibilities shall have access to employee records referred to in Constitution 26 (d) and (e) above, if so justified.
- h) Access and means of access by keys and/or computer passwords to records of employment referred to in Constitution 26 (d) and (e) above shall be provided only to the Town Clerk and/or the Chair of the Personnel Committee.

29 FREEDOM OF INFORMATION ACT 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

30 LIAISON WITH SEFTON MBC

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to Councillors of Sefton MBC representing Maghull's electoral wards once this has been resolved by Council to do so.
- b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to Sefton MBC, it shall be sent to the Councillor representing the relevant electoral ward(s) within the Council.

31 FINANCIAL MATTERS

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i) The accounting records and systems of internal control.
 - ii) The assessment and management of financial risks faced by the Council.
 - iii) The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
 - iv) The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payment.
 - v) Procurement policies (subject to Constitution 32(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £ £25,000.
- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £ £25,000 shall be procured on the basis of a formal tender as summarised in Constitution 32(c) below.**
- c) Any formal tender process shall comprise the following steps:
- i) A public notice (if required) of intention to place a contract to be placed in a local newspaper. Otherwise a list of potential suppliers is drawn from the Council's preferred suppliers list.
 - ii) A specification of the goods, materials, services and the execution of works shall be drawn up and where deemed necessary a full survey carried out prior to any specification
 - iii) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time. A minimum of three tenders to be sought.
 - iv) Tenders submitted are to be opened, after the stated closing date

and time, by the Proper Officer and at least one member of the Council.

- v) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e) **Any proposed contract with an estimated value exceeding £164,176 (or such other value as may be prescribed from time to time by regulation) must, unless exempt from the specified, be procured and publicised in accordance with Part 2 of the Public Contracts Regulations 2015 (which implements the Public Contracts Directive of the European Union) or successor.**

32 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) All allegations of breaches of the Code of Conduct will be forwarded to the Monitoring Officer to investigate and deal with the complaint.

33 VARIATION, REVOCATION AND SUSPENSION OF CONSTITUTION

- a) Any or every part of the Constitution, except those which are mandatory (**in bold type**) by law, may be suspended by resolution in relation to any specific item of business but the reason **MUST** be documented.
- b) A motion to add to or vary or revoke one or more of the Council's Constitution, not mandatory by law, shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

34 CONSTITUTION TO BE GIVEN TO COUNCILLORS

- a) The Proper Officer shall provide a copy of the Council's Constitution to a Councillor upon delivery of their declaration of acceptance of office.

- b) The Chair's decision as to the application of Constitution at meetings shall be final.
- c) A Councillor's failure to observe Constitution more than 3 times in one meeting may result in them being excluded from the meeting in accordance with Constitution.

35 MEDIA

- a) Any member of the public may take photographs, film and audio record the proceedings of any open meeting of the Council or its Committees. If the Council or one of its Committees resolves to exclude the press and public from the meeting then all recording or use of photographic equipment will cease.

