

EUXTON PARISH COUNCIL



STANDING ORDERS

This document contains the Standing Orders for Councillors of Euxton Parish Council which should be upheld at all times.

Keep for reference.

Approved by Euxton Parish Council
at a meeting on

20 September 2012
Amended 21/08/14; 16/10/14

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1. COUNCIL AND MEETINGS

1.1 Meetings

Meetings of the Council commence at 7.15 pm and finish at 9.30 pm and shall normally be held on the third Thursday of each month (except July and December) at Euxton PC Community Centre, Wigan Road, Euxton - unless the Council otherwise decides at a previous meeting. Items on the Agenda not reached by 9.30 pm shall be deferred to the next meeting.

1.2 Annual Meeting

The Statutory Annual Meeting in an Election year shall be held on the fourth day after the date of the election or within fourteen days thereafter and, in a year which is not an election year, shall be held on any day in May. In addition, the Council must hold at least three further council meetings within the year.

1.3 Chairman of Meeting

The person presiding at a meeting may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.

1.4 Proper Officer

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases it shall be the Clerk:

- a) To receive declarations of acceptance of office.
- b) To receive and record notices and interests.
- c) To receive and retain plans and documents.
- d) To sign notices and other documents on behalf of the Council.
- e) To receive copies of byelaws made by a District Council.
- f) To certify copies of byelaws made by the Council.
- g) To sign summonses to attend meetings of the Council.

1.5 Quorum

The quorum is three or one third of the total membership, whichever is greater. If a quorum is not present when the Council meets or if during a meeting the number of Councillors falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

1.6 Voting

1.6.1 Members shall vote by show of hands.

1.6.2 **If a member so requires, the Clerk shall record the names of the members who votes on any question so as to show whether they voted for or against it.**

1.6.3 **Subject to (1.6.3.1) and (1.6.3.2) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote, even if he gave no original vote.**

1.6.3.1 **If the person presiding at the Annual Meeting would have ceased to be a member of the council but for statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term in office he/she may not give an original vote in an election for Chairman.**

1.6.3.2 **The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

1.7 Order of Business

1.7.1 **At each AGM the first business shall be:**

- a) **To elect a Chairman**
- b) **To receive the Chairman's declaration of Acceptance of office or, if not received, to decide when it shall be received.**
- c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d) **To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.**
- e) To elect a Vice Chairman
- d) To appoint committees and representatives.

1.7.2 After the first business has been completed at the Annual Meeting and at any other full council meeting the order of business, unless the Council otherwise decide on the grounds of urgency, shall be:

- a) **to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received**
- b) Apologies
- c) Declarations of Interest
- d) To consider accuracy of the Minutes, provided a copy has been circulated to each member not later than the day of issue of the summons the Minutes may be taken as read, **approve the signing of the Minutes by the Chairman of the meeting as a correct record.**
- e) **To deal with business expressly required by statute to be done.**
- f) Dispose of business, if any remaining from the last meeting.
- g) To authorise the sealing of documents.
- h) To answer questions/queries from the public.
- i) To receive and consider reports from officers of the Council.
- j) To authorise the signing of orders for payment.
- k) To receive and consider reports and minutes of committees and advisory committees.
- l) To consider motions or recommendations in the order in which they have been notified.
- M) Any further matters, not specified in the summons, must be considered urgent and notified and accepted by the Chairman before commencement of the meeting. No legal decisions can be made.

1.7.3 A motion to vary the order of business on the grounds of urgency:

- a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) shall be put to the vote without discussion.

1.8 Agenda Items

Items being requested for inclusion on a meeting agenda, which require a decision, shall be notified to the Clerk at the soonest, but not less than seven clear days before the meeting.

For an item to get on an agenda for a decision it should, where possible, be accompanied by a written report setting out information to enable Councillors to make a decision ie, facts, background, figures, alternatives etc or, the papers supplied by others containing such information.

1.9 Resolutions Moved Without Notice

Resolutions 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 approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof (refer to 3.1)
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a motion or an amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and/or public (see ~~4.23~~ 1.19).
- o) To silence or eject from the meeting a member named for misconduct.
- p) To invite a member having an interest in the subject matter under debate to remain.
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To suspend any Standing Order.

1.10 Rules of Debate

- a) All remarks shall be addressed to the Chairman.
- b) Members shall speak only with permission of the Chairman.
- c) No speech shall exceed three minutes.
- d) No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

- e) When a resolution is under debate no other resolution shall be moved except the following:
 - i) To amend the resolution.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate.
 - iv) That the question be now put.
 - v) That a member named be heard no further.
 - vi) That a member named leaves the meeting.
 - vii) That the resolution be referred to a committee.
 - viii) To exclude the public and/or the press (see 1.23).
 - ix) To adjourn the meeting.
- f) The ruling of the Chairman on a point of order shall not be discussed.

1.11 Closure

At the end of any speech a member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do not adjourn'. If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise) he shall forthwith put the motion. If the motion 'that the question be now put' is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

1.12 Right of Reply

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

1.13 Alteration of Resolution

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

1.14 Rescission of Previous Resolution

A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least six members of the Council.

When a special resolution has been disposed of, no similar resolution may be moved with a further six months. This Standing Order shall not apply to resolutions moved in pursuance of a report or recommendations of a committee.

1.15 Voting on Appointments

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

1.16 Sealing of Documents

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

1.17 Confidential Business

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

1.18 Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders, except those printed in **bold type**, may be suspended by resolution in relation to any specific item of business.

A motion permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

1.19 Admission of the Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may temporarily exclude the public by means of the following resolution quoting the section to be used and the nature of the business viz. 'Exclusion of Press and Public Pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 and defined in Paragraph 1, Part 1 of Schedule 12A to the Local Government Act 1972. It is resolved that, because of the confidential nature of the business to be transacted the press and public are excluded from the forthcoming item of business.'

The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

If a member of the public interrupts the proceedings at any meeting, the Chairman, may after warning, order that he be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

1.20 Recording/film/photo/video Capture of Council Meetings

Statutory Instrument 2095 of 5 August 2014 'The Openness of Local Government Bodies Regulations 2014' gives the right to record, film, video, photograph Parish Council meetings and individuals wishing to carry out such capture should refer to the Council's guidance note on the subject.

2. COUNCILLORS AND CONDUCT

2.1 Appointment of Chairman/Vice Chairman

Councillors to be considered for the office of Chairman or Vice Chairman should have preferably served a minimum on Council of three consecutive years.

2.2 Canvassing for a Council position

Members should not directly, or indirectly canvass members of the Council to gain support or ask for a vote towards gaining a position on the Council such as Chairman, Vice Chairman etc. No members should solicit for any other member to gain support or ask for a vote for a council position.

2.3 Disorderly Conduct

No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by willfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

If, in the opinion of the Chairman, a member has so mis-conducted himself, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

If either of the motions mentioned in above paragraphs are disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

A member must not in his official capacity or any other circumstance, inside or outside of a meeting, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute. All members should abide by the Code of Conduct in force at the time.

2.4 Decisions of Council

In principle all Councillors should abide by the democratic decisions of the Council once made.

2.5 Confidential Business

No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, a committee, or a sub-committee as the case may be. All business discussed at meetings shall be deemed confidential until such time that it is ratified by full council and comes into the public domain via the minutes being published.

2.6 Interests

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. When declaring an interest, Councillors should refer to the Code of Conduct which they have agreed to abide by, and guidance supplied with it, as to their further involvement in the meeting.

2.7 Unauthorised Activities

No member of the Council or committee/sub-committee shall in the name of, or on behalf of the Council;

- a) inspect any lands or premises which the Council has a right or duty to inspect, or
- b) issue orders unless authorised to do so by the Council or the relevant committee/sub-committee.

2.8 Code of Conduct

All Councillors shall abide by the Code of Conduct (in force at the time) as it applies to Parish Councils and as part of their acceptance of office have agreed to be bound by this Code. Any breach of the Code of Conduct could be referred to the Monitoring Officer.

2.9 Media or Press Contact

All Councillors should follow the guidelines laid down and specified in the Code of Conduct, Councillors should not act on their own. Any comments to outside bodies should come from the Council as a whole. No one Councillor should speak to the press, it should be the Clerk.

The Council does not object or oppose an individual speaking to the press, so long as it is made clear to the press that he is giving a personal opinion and that it is not the official response of Euxton Parish Council.

2.10 Standing Orders to be given to Members

A printed copy of these Standing Orders shall be given to each member by the Clerk, upon delivery of the member's declaration of acceptance of office.

2.11 Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in its complaints procedure

3. **COUNCIL COMMITTEES**

3.1 Standing Committee

The Council may at the AGM appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- a) shall not appoint any member of a committee so as to hold office later than the next AGM
- b) may set the membership number of a committee and its quorum number
- c) may at any time dissolve or alter the membership of a committee.

A committee is appointed for the purpose of discharging any of the council's functions. It is not necessary for the Council to ratify committee decisions where delegation applies although any motion which, if carried would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

The Chairman of the Council shall be a member of every committee.

3.2 Chairman of Committee

The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

3.3 Sub-Committees

Every committee may appoint sub-committees for the purposes to be specified by the committee. The Chairman and Vice Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

3.4 Quorum

A quorum for a standing committee or sub-committee shall be three, or another figure if specified by Council, when the group is set up.

3.5 Rules of Debate

The Standing Orders on rules of debate (except those parts relating to standing and speaking more than once and the Standing Order on interests of members in contracts and other matters) shall apply to committee and sub-committee meetings insofar as they are appropriate (see 1.12).

3.6 Advisory Committee

The Parish Council shall set up and appoint representative(s) to advisory committees as required. An advisory committee may make recommendations and give notice thereof to the Council.

3.7 Voting in Committees

Members of committees and sub-committees shall vote by show of hands. **Chairmen of committees and sub-committees shall, in the case of an equality of votes, have a second or casting vote.**

3.8 Presence of Non Members of Committees at Committee Meetings

Any Council member shall unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee of which he is not a member, and may speak but not vote at the meeting.

3.9 Discussions and Resolutions Affecting Employees of the Council

If at any meeting there arises any questions relating to employees, the matter should be referred to the Personnel Committee to discuss and reach a recommendation/decision to put before Council. If the matter is of some urgency then calling an extraordinary meeting of the Personnel Committee or the Council will need to be considered.

4. FINANCE

4.1 Financial Regulations

The Council will abide by its Financial Regulations statement as approved and updated by Full Council.

4.2 Accounts and Financial Statement

All accounts for payment and claims upon the Council shall be laid before the Council. The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year a statement of receipts and payments.

4.3 Estimates

Any committee desiring to incur expenditure to be defrayed out of rates shall, give to the Clerk a written estimate of the expenditure recommended for the coming year, and such estimate shall be submitted to the Council at its Precept meeting.

4.4 Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two authorised members, as per the Financial Regulations.

4.5 Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council** and by any local government elector of the parish without charge.