

STANDING ORDERS FOR AUGHTON PARISH COUNCIL

May 2004

(based on NALC Model Standing Orders)

Reviewed May 2005; May 2006; May 2007; May 2008, March 2009, March 2010

March 2011, January 2012, January 2013, January 2014, September 2014, January 2015

1. Meetings of Aughton Parish Council

a) Meetings will be held on the **SECOND MONDAY OF EACH MONTH, commencing at 7.30pm**, unless otherwise decided at the previous meeting, and the outstanding business shall be reviewed each meeting at 10.00pm.

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

c) Smoking is not permitted at any meeting of the Council.

d) Agendas and Minutes for approval will be delivered to Members three clear days before the date of each meeting.

(When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count)

e) Agendas will be publicly displayed on the Parish Council's noticeboards three clear days before the date of each meeting.

(SEE ABOVE)

f) Minutes of the Meetings will only be published after approval by the Parish Council.

2. The Statutory Annual Meeting

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 the Council shall be held on such day in May as the Council may direct.

c) If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.

d) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.

e) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.

f) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.

g) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

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

3. Other Statutory Meetings

a) In addition to the Statutory Annual Meeting of the Council, at least three other statutory meetings shall be held in each year. These will be held on the SECOND MONDAY of February, September and December.

4. Chairman of the Meeting

a) If present, the Chairman of the Parish Council shall preside. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of both Chairman and Vice-Chairman, the members present shall as the first item of business elect from their number an Acting Chairman for that meeting who shall exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council, he shall be the Clerk or nominated officer.

The Council's Proper Officer shall do the following:

i) Sign and serve on councillors by delivery or post at their residence a summons confirming the time, date, venue and the agenda of a meeting of the council and a meeting of a committee at least 3 clear days before the meeting)

OR

Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residence at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the council and a meeting of a committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.

- ii) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them.
- iii) Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order 5i or ii above.
- iv) Make available for inspection the Minutes of Meetings over the previous 12 months.
- v) Receive and retain copies of byelaws made by other local authorities.
- vi) Receive and retain declarations of acceptance of office from councillors.
- vii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii) 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.
- ix) To consider written applications for the grant of Dispensations (under s31 & s33 of the Localism Act 2011).

6. Quorum of the Council/Voting

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council (Aughton Parish Council = 4). If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall not come to any decision binding on the Council and the business will be transacted at the next meeting or on such other day as the Chairman may fix.
- b) Decisions shall be taken by a majority of members present and voting. Voting shall normally be by show of hands or, if at least four members so request, by signed ballot. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- c) Subject to (d) and (e) below, the Chairman may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- d) If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office, he may not give an original vote in an election for Chairman.
- e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

7. Order of Business

At each Annual Meeting of the Council the first business shall be:

- a) to elect a Chairman of the Council.
- b) to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.

- c) to decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law shall be received.
- d) to elect a Vice-Chairman of the Council
- e) to appoint representatives to outside bodies, committees and sub-committees.
- f) at every meeting other than the Annual Parish Council Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.
- g) after consideration, to approve the signature of the Minutes by the person presiding as a correct record.
- h) to deal with business expressly required by statute to be done.
- i) for Extra-Ordinary Meetings, the Notice of Meeting shall clearly state the proposed business of the Meeting and no other matters shall be discussed.

8. **Urgent Business**

A motion to vary the order of business on the ground 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.

9. **Resolutions Moved on Notice**

- a) Except as provided by these Standing Orders, no Resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least **SEVEN** clear days before the next meeting of the Council.
- b) Every Resolution shall be relevant to some subject over which the Council has power or duties, which affects its area.
- c) The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the council.
- d) The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- e) If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the council, be treated as withdrawn and shall not be moved without fresh notice.

f) If the subject matter of a resolution comes within the province of a committee of the council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the council may determine for report, provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

10. **Resolutions Moved Without Notice -**

- i) To appoint a Chairman of the meeting.
 - ii) To exclude the press and public.
 - iii) To approve the absences of councillors.
 - iv) To approve the accuracy of the Minutes of the previous meeting.
 - v) To correct an inaccuracy in the Minutes of the previous 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 the debate
 - ix) To refer a matter to a committee
 - x) To appoint a committee or any members thereof
 - xi) To adopt a report
 - xii) To authorize the sealing or execution of documents
 - xiii) To amend a motion
 - xiv) To give leave to withdraw a resolution or amendment
 - xv) To extend the time limit for speeches
 - xvi) To give the consent of the council where such consent is required by these standing orders
 - xvii) To suspend any Standing Order except those which are mandatory by law
 - xviii) To adjourn the meeting.
 - xix) To silence or eject from the meeting a member named for misconduct.
 - xx) To silence or exclude from the meeting a member of the public for disorderly conduct.
- a) To suspend any Standing Order (except those which are compulsory as they are laid down in Acts of Parliament) in relation to any specific item of business.
- b) A Resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

11. **Disorderly Conduct**

- a) All members must observe the Code of Conduct which was adopted by the Council on 1 July 2012 under Resolution (Minutes June 2012, Para.9943) a copy of which is annexed to these Standing Orders.
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c) if, in the opinion of the Chairman, a member has broken the provisions of paragraph b above of this Order, the Chairman shall express that opinion to the Council and thereafter any member may

move that the member named be no longer heard or that the member named should leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

12. Expenditure

- a) Orders for the payment of money shall be authorized by Resolution of the Council and signed by the Chairman, Vice-Chairman (or TWO members of the Council) plus the Clerk. In the unavoidable absence of the Clerk, delegated authority to be given to the Chairman and Vice-Chairman to authorize/approve the Internal Auditor as the third signatory.
- b) The Council's financial regulations shall be reviewed once a year.
- c) The Council's financial regulations may make provision for the authorization of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to the Clerk.

13. Code of Conduct/Interests

All councillors shall observe the code of conduct adopted by the council.

All councillors are encouraged to undertake training in the code of conduct and to attend the training sessions arranged by West Lancashire Borough Council within a reasonable period of time of acceptance of office.

- a) If a member has a Personal Interest as defined by the Code of Conduct adopted by the Council from 1 July 2012, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b) If a member who has declared a Personal Non-Pecuniary Interest then considers the interest to be Pecuniary, he must withdraw from the room or chamber during consideration of the item to which the interest relates unless he has been granted a Dispensation.
- c) The Clerk is required to compile and hold a Register of Member's Interests and Dispersations, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- d) 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 so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council any such disclosure. Where relationship to a member is disclosed, this Standing Order shall apply.

14. Inspection of Documents

- a) All Minutes kept by the Council shall be open for the inspection of any member of the Council.

- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 10.
- c) Minutes including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
 ‘The Chairman of this meeting does not believe that the minutes of the meeting of.....held.....on 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’
 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

15. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorized by a resolution.
- b) In accordance with a resolution made under standing order 15(a) above any two members of the council may sign on behalf of the council, any deed required by law and the proper officer shall witness their signatures.
 (the above is applicable to a council without a common seal)

16. Admission of the Public and Press to Meetings

- a) The public and press shall be admitted to all meetings of the Council and its committees which may, however, temporarily exclude them in view of the (‘Special/Confidential’) nature of the business about to be transacted. At a convenient time, normally shortly after the opening of the meeting, the Chairman will adjourn the meeting to allow any members of the public who are resident in Aughton (or such other persons in the Chairman’s absolute discretion) to address the meeting.
 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.
- b) Subject to Standing Order 16(a) above, members of the public (as previously defined) are permitted to make representations, ask/answer questions and provide information in respect of any item of business included in the agenda or may be of interest/concern to the Parish of Aughton.

The period of time (which is at the Chairman’s discretion) for public participation in accordance with Standing Order 16(a) above shall not exceed 30 minutes.

Subject to Standing Order 16(a) and 16(b) above, each member of the public as defined is entitled to speak once if called upon to speak by the Chairman and shall not speak for more than 3 minutes on each item if so called.

In accordance with Standing Order 16(a) above, a question asked by a member of the public as defined during the public participation session at a meeting shall not require debate or an immediate response.

In accordance with Standing Order 16(a) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to the Clerk for a written or oral response.

A record of a public participation session at a meeting shall be included in the minutes of that meeting.

A person shall raise his hand when requesting to speak, give his name and address, and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.

Any person speaking at a meeting shall address his comments to the Chairman.

Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

Audio recording of proceedings of any council meeting shall be permitted by the Council. Anyone wishing to do this is requested to make their intentions clear to the Chairman before the start of the meeting.

Photographing or filming of the proceedings of a council meeting shall be permitted with the agreement of the Chairman. In the event of the Chairman wanting to prohibit the photographing, filming or audio recording of the proceedings, he/she should provide a reason for this to members of that meeting and seek their consent to the decision by means of a vote.

In the interests of the smooth running of meetings, mobile phones/devices must be switched off or 'silent' at meetings. Calls should not be made or answered during the meeting. The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.

The Chairman has discretion to require that mobile phones/devices are not used if a disturbance to the smooth running of the meeting is caused.

In accordance with Standing Order 16(a) 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.

In the event of a public disturbance or if the public becomes disorderly, the Chairman will adjourn the meeting for such period as is necessary to restore order or, if necessary, close the meeting.

For the avoidance of doubt, the Chairman shall have the sole responsibility for deciding who is to speak and/or the questions to be asked or issues raised so as to ensure if possible a variety of speakers and/or items chosen to be discussed and to avoid repetition. In that respect, the Chairman's decision is final and binding.

17. Confidential Business

- 1) No member of the Council shall disclose to any person not a member of the Council, any business declared to be confidential by the Council.
- 2) Any member in breach of the provisions of Para. (1) of this Standing Order shall be removed from the Council.

18. Repetitive Business

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least 4 members of the Council.
- b) When a special resolution moved under the provisions of Para. 18 a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

19. Co-option

When a Casual Vacancy occurs within the Parish Council as a result of a member's resignation, death or disqualification, the Council shall, but not within the last six months of a Council's term, at the earliest opportunity pass a Resolution to formally declare a Vacancy. The vacancy must then be publicly notified in the usual manner (parish noticeboards) and the Admin and Electoral Services Manager at West Lancashire Borough Council notified.

If a poll is not claimed in the prescribed manner, the Parish Council will give notice on parish noticeboards that they will seek to co-opt a new member as soon as is practicable and that any local residents wishing to be considered for the Vacancy should write to the Clerk for further information.

20. Voting on Appointments

Where more than two persons have been nominated/have applied for the vacancy/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 fresh vote taken, and so on until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

21. Rules of Debate, Resolutions, Motions and Amendments (further guidance available as detailed in NALC Model Standing Orders)

Rules of Debate

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

- b) Subject to Standing Order 9 a motion shall not be considered unless it has been proposed and seconded.
- c) Subject to Standing Order 9 a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f) Any amendment to a motion shall be either
 - To leave out words
 - To add words
 - To leave out words and add other words
- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i) Subject to Standing Order 21(h). one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j) Pursuant to Standing Order 21(h) the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- o) Subject to Standing Order 21(m) and 21(n) above a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p) During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q) A point of order shall be decided by the Chairman and his decision shall be final.
- r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s) Subject to standing order 21(o), when a councillor's motion is under debate no other motion shall be moved except:
To amend the motion
To proceed to the next business
To adjourn the debate
To put the motion to a vote
To ask a person to be silent or for him to leave the meeting
To refer a motion to a committee or sub committee for consideration
To exclude the public and press
To adjourn the meeting
To suspend any standing order, except those which are mandatory.
- t) In respect of standing order 21(s) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

22. Canvassing of and recommendations by councillors

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment 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 standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

23. Liaison with Borough and County Councillors

a) An invitation to attend a meeting of the council shall be sent, together with the agenda, to the councillor of the Borough and County Council representing its electoral ward.

24. Standing Orders to be given to councillors

b) The Proper Officer shall provide a copy of the council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

b) The Chairman's decision as to the application of standing orders at meetings shall be final.

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