

UPTON PARISH COUNCIL - STANDING ORDERS

1. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) 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
- c) A meeting shall not exceed a period of **3 hours**.
- d) If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
- e) The Chair of the Council will accept admission for resolutions no later than 7 days prior to the next Annual General Meeting or statutory meeting of the Council and no less than 3 days prior to an extraordinary meeting. In all cases, this does not include the day of the meeting, Sundays or bank holidays.
- e) Smoking is not permitted at any meeting of the Council.

2. Notice of Meetings

The minimum three clear days for notice of a meeting does not include the day on which notice is 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 (unless the meeting is convened at shorter notice).

3. The Statutory Annual General Meeting

- a) In an election year the Annual General Meeting of the Parish Council shall be held on or within 14 days following the day on which the Councillors elected take office.
- b) In a year which is not an election year the Annual General Meeting of the Parish Council shall be held on such day in **May** as the Council may direct.

4. Other Statutory Meetings / Annual Parish Meeting

In addition to the Statutory Annual General Meeting of the Parish Council, an Annual Parish Meeting should be held between the **1st March and 1st June** each year, together with at least five other statutory meetings to be held in each year on such dates and times and at such place as the Council may direct. The Clerk of the Council will issue the times and dates for these meetings as soon as all meeting dates are agreed for the calendar year in January of each year.

5. Chairman of the Meeting

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

6. 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 and sub-committees, but may be temporarily excluded ~~the public~~ by means of the following resolutions:-

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”.

b) The Council shall state the special reason for exclusion.

c) At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to business to be transacted at that meeting. Whenever the Council meets to consider a planning application, whether that be during a statutory meeting or at a meeting called specifically to deal with an application, the Chairman shall at a convenient time adjourn the meeting so that members of the public may address the meeting in relation to the application(s) being considered.

d) The Clerk shall afford to the press and any person reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. Audio and visual recordings of meetings of the Council or Committees shall be permitted, provided the Clerk is contacted before the meeting to ensure necessary facilities are in place, giving details of name, organisation (if any) and contact details, as well as for what purpose the recording is being made so the Chair can advise the public. If a member of the public does not wish to be recorded or filmed they should so notify the Clerk. Requests for recording can be refused if considered likely to disrupt the meeting. Social media such as Twitter and Facebook are also permitted with the same proviso, and must not inhibit community involvement in the proceedings. The Chairman will advise the public that the meeting is being recorded. Any such recordings should take place from a fixed position in the meeting room, and flash photography for a limited period only at a point in the proceedings agreed in advance by the Chair. If the meeting is adjourned because confidential matters are to be discussed and a motion is passed to exclude the public, recordings must also cease. The Council may, on occasion, audio record meetings and an announcement will be made to this effect.

e) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

7. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, they shall be the Clerk or their nominated deputy: -

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To receive copies of bylaws made by another local authority
- To certify copies of bylaws made by the Council

- To sign and issue the summons to attend meetings of the Council
- To keep proper records for all Council meetings
- To issue post all meetings & prior to the completion of minutes, the list of Action Points agreed at the previous meeting to all parties concerned
- To issue as part of the minutes of each meeting clear Action Points, who the actions are placed on and a target completion date for the action, wherever possible

8. Quorum of the Council

Three members shall constitute a quorum at meetings of the Council.

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 be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

9. Voting

a) Members shall vote by show of hands or, if at least two members so request, by signed ballot.

b) 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.

ci) Subject to (ii) and (iii) of this section 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.

cii) 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 they may not give an original vote in an election for Chairman.

ciii) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

10. Order of Business for Annual General Meeting

At each Annual General Meeting 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) 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 of the Council.

f) To appoint representatives to outside bodies.

g) To appoint committees and sub-committees.

And shall thereafter follow the order set out in the **Standing Order 11**.

11. Order of Business at Other Statutory Meetings

a) At every meeting other than the Annual General 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.

b) In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. **Standing Order 24** must be read in conjunction with this requirement.

c) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

i) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

ii) The accuracy of draft minutes, including any amendment(s) made to them, 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.

iii) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish **draft** minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

iv) To deal with business expressly required by statute to be done.

v) To dispose of business, if any, remaining from the last meeting.

vi) To receive such communications as the person presiding may wish to lay before the Council. This will include planning applications.

vii) To answer questions from Councillors.

viii) To answer questions from Parishioners. This item will be an open forum in which an open debate may take place between Councillors and members of the public and for which **Standing Order 6e** will be set aside

ix) To receive and consider reports and minutes of committees.

x) To receive reports from County and District Councillors.

xi) To receive and consider resolutions or recommendations in the order in which they have been notified.

xii) To debate other issues where such a debate has been requested by a Councillor at least 3 days prior to the meeting but about which no resolution has been tabled.

xiii) If necessary, to authorise the signing of orders for payment.

12. Annual Parish Meeting

The Parish Council will also hold a meeting once a year, where members of the parish are actively invited to discuss the work of the PC.

13. Urgent Business

A motion to vary the order of business on the ground of urgency:

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 shall be put to the vote without discussion.

14. Resolutions Moved on Notice - (This section deals with resolutions not with requests to debate a subject where the outcome of that debate may result in a resolution or recommendation)

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 in accordance with the timings set out in 1.e. (Meetings) above.

b) The Clerk shall date every notice of resolution or recommendation when received by her and copy it to all Councillors either sending it as a separate document or by typing it into the agenda for a forthcoming meeting.

c) 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.

d) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

15. 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.

i) To adopt a report.

j) To amend a motion.

k) To give leave to withdraw a resolution or amendment.

l) To extend the time limit for speeches.

m) To exclude the press and public. (See Order 6 above)

n) To silence or eject from the meeting a member named for misconduct. (See Order 19 below)

o) To give the consent of the Council where such consent is required by these Standing Orders.

p) To suspend any Standing Order. (See Order 37 below)

q) To adjourn the meeting.

16. Questions

- a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 3 clear days' notice of the question has been given to the person to whom it is addressed.
- b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom a question has been put may decline to answer.

17. Rules of Debate

- a) No member of the public may speak during a debate without the permission of the Chairman of the meeting. See **Standing Order 6c and 6e**
- b) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- c) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- d) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- e) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- f) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- g) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert others
 - iii) To insert or add words
- h) An amendment shall not have the effect of negating the resolution before the Council.
- i) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- j) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- k) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
- l) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- m) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- n) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

- o) 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 not further heard.
 - vi. That a member named leave the meeting.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.
- p) A member shall remain seated when speaking unless requested to stand by the Chairman.
- q) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- r) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- s) Whenever the Chairman speaks during a debate all other members shall be silent.

18. 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 now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. 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.

19. Disorderly Conduct

- a) All members must observe the **Code of Conduct** which has been adopted by the Council, a copy has been given to all members of the Council.
- 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) 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 do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England).
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

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

21. Alteration of Resolution

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

22. Rescission of Previous Resolution

a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 2 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

23. 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.

24. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 6a).

25. Expenditure

All payments and other financial matters shall be dealt with in accordance with the Financial Regulations for Upton Parish Council as adopted by the Council.

26. Committees and Sub Committees

The Council may at its Annual Meeting 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 Annual Meeting.

b) May appoint persons other than members of the Council to any Committee; and

c) May subject to the provisions of **Standing Order 22** above at any time dissolve or alter the membership of a committee.

27. Advisory Committees

- a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) An advisory committee may consist wholly of persons who are not members of the Council.

28. Interests

- a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then they 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 interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
- c) The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- d) In addition to the conditions given in the Code of Conduct for having a prejudicial interest, when dealing with planning applications a councillor shall be deemed to have a prejudicial interest if he, or a member of his family, or a close associate, receive a letter of notification of the application from the District Council. For planning applications where a councillor declares a prejudicial interest he may attend the meeting at which the council discusses the application and will be afforded the same rights as a member of the public (see 5c). As soon as the meeting is re-convened for the council to discuss the application and make its recommendations the councillor must leave the room.

29. Inspection of Documents

- a) A member may for the purpose of their 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.
- b) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

30. Freedom of Information / Transparency

- a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council. Requests for information from the Parish Council may incur a fee.
- b) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

31. Unauthorised Activities

No member of the Council or of any committee or 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, instructions or directions, unless authorised to do so by the Council or the relevant committee or sub-committee.

32. Confidential Business

- a) 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.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee by the Council.

33. Liaison with County and District Councillors

- a) A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County and to the District Councillor.
- b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor or to the District Councillor as the case may require.

34. Planning Applications

- a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council: -
 - i) the date on which it was received
 - ii) the name of the applicant
 - iii) the place to which it relates;
- b) The Clerk shall refer every planning application received by the Council to the Councillor nominated to look after Planning matters or in his absence to the Chairman within 48 hours of receipt.

35. 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 such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

36. Variation, Revocation and Suspension of Standing Orders

- a) A Standing Order may be suspended by resolution in relation to any specific item of business providing that it does not infringe the legal requirements of the Council.

b) A resolution permanently to add, vary or revoke a Standing Order shall when proposed as a resolution moved on notice may be adopted with immediate effect. Where the change is requested as a resolution moved without notice it will stand adjourned without discussion to the next ordinary meeting of the Council.

37. Standing Orders to be Given to Members

a) A copy of these Standing Orders shall be given to each member by the Clerk upon receipt of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

b) All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

c) A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with **Standing Order 36**.

d) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Accepted on behalf of the Council:

_____ Ben Shaw, Chairman

_____ Elizabeth Cooper,
Clerk

Date: 16th January 2020