



Halton with Aughton Parish Council

Standing Orders

These Standing Orders were adopted by the Council at its Meeting held on 13th June 2018.

1. Rules of Debate at Meetings

a) Chair of the Meeting

- i. The Chair of the Meeting shall manage any debate so as to be fair and equitable to all members and shall be responsible for bringing any debate to an end.
- ii. Whenever the Chair of the Meeting speaks during a debate all other members shall be silent.
- iii. Members shall address the Chair of the Meeting. If two or more members wish to speak, the Chair shall decide who to call upon.
- iv. The ruling of the Chair of the Meeting on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Any member may speak on any item placed on the agenda for discussion however a member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

c) A member may propose a resolution which, once open debate has been brought to an end, will be determined by a vote unless before this time an amendment to the resolution is proposed in which case a vote on the amendment shall take precedence.

d) If an amendment be carried, the resolution, as amended shall take the place of the original resolution.

e) If an amendment fails, then the original resolution will be voted upon unless a further amendment is proposed.

f) A motion or amendment may be withdrawn by the proposer and no member may then speak upon it.

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

h) A motion to vary the order of business on the grounds of urgency may be proposed by the Chair or by any member and be put to the vote without discussion.

i) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

j) 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 Chair of the Meeting 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.

k) A member may ask the Chair of the Council or the Clerk any question concerning the business of the Council. Providing timely notice of the question will ensure the answers.

- i. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- ii. Every question shall be put and answered without discussion.
- iii. A person to whom a question has been put may decline to answer.

2. Disorderly Conduct at Meetings

a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

- b) If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made under standing order 2(b) above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings Generally

- a) Meetings of the Council shall be held on such dates as agreed by the Council on Wednesday evenings at 7.15pm unless the Council decides otherwise at a previous meeting.
- 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) The minimum three clear days for notice of a meeting does not include 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.**
- d) 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.**
- e) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- f) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- g) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if any).**
- h) 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.**
- i) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- j) The Chair of a Meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- k) Unless standing orders provide otherwise, voting on a question shall be by a show of hands. 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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- l) A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- m) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
- n) If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- o) The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.**

4. 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) Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c) **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- e) It may at any time dissolve or alter the membership of a committee.
- f) The Chair and Vice-Chair shall be voting members of every committee unless they signify that they do not wish to serve.
- g) Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.
- h) The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional 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 transacted at the special meeting and no other business shall be transacted at that meeting.
- i) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- j) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- k) An advisory committee may make recommendations and give notice thereof to the Council.
- l) Members of committees entitled to vote, shall vote by a show of hands, or, if at least two members so request, by signed ballot.
- m) Chairs of committees shall in the case of an equality of votes have a second or casting vote.
- n) A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

5. Ordinary Council Meetings

- 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) **In addition to the annual meeting of the council at least three other statutory meetings shall be held in each year at such dates and times and at such a place as the Council may direct.**
- e) **The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair (if any) of the Council.**
- f) **The Chair 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.**
- g) **The Vice-Chair of the Council, if any, unless he resigns or becomes 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, he 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, he shall preside at the meeting until a new Chair of the Council has been elected. He 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 (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**

- ii. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
 - iii. To appoint committees if required.
 - iv. To appoint representatives of outside bodies
- k) After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- i. To receive apologies and if requested approve or otherwise the reason for absence.
 - ii. To receive any Declarations of Interest from members.
 - iii. 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.
 - iv. After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - v. To deal with business expressly required by statute to be done.
 - vi. To dispose of business, if any, remaining from the last meeting.
 - vii. To receive and consider reports
 - viii. To consider any planning applications as are required to be dealt with.
 - ix. To consider resolutions or recommendations in the order in which they have been notified
 - x. To authorise the signing of orders for payment.
- l) At all meetings of the Council the Chair of the Meeting 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 the business to be transacted at that meeting.

6. Extraordinary Meetings

- 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 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 must be signed by the two councillors.**

7. Previous Resolutions

- 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 three 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.

8. Voting On Appointments

- a) 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.

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.
- b) The Clerk shall insert in the summons of every meeting all notices of motion or recommendation properly given in the order in which they have been received.
- 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.

10. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:

- a) To appoint a chair 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 authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or an amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- o) To not hear further from a councillor or a member of the public.
- p) To exclude a councillor or member of the public for disorderly conduct.
- q) To temporarily suspend the meeting.
- r) To give the consent of the Council where such consent is required by these Standing Orders.
- s) To suspend any Standing Order (see Order 47 below)
- t) To adjourn the meeting.
- u) To close the meeting.

11. Confidential or Sensitive Information

- 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 subcommittee as the case may be.
- b) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

12. Draft Minutes

- a) 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 chair.

13. Code of Conduct and Dispensations

- a) All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b) Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c) Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d) **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e) A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.

- f) A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g) Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the
- h) start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].
- i) **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of Conduct Complaints

- a) The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such a manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.
- b) **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a) Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk.

The Proper Officer shall:

- b) **[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.]**
OR
[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].
- c) **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- d) **receive and retain copies of byelaws made by other local authorities;**
- e) The Council shall delegate to the Clerk the authority to make routine decisions on its behalf as and when required.

16. Responsible Finance Officer

- a) The Council shall appoint a Responsible Financial Officer who will draw up appropriate Financial Regulations for consideration and approval.
- b) The Responsible Financial Officer will prepare all precept documents and estimates for consideration by Council in December each year.

17. Accounts and Accounting Statements

- a) All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chair or Vice-Chair of the Council.
- c) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- d) The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial Controls and Procurement

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
- b) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 18(c) below.**
- c) Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- d) Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

19. Handling Staff Matters

- a) 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 the public shall be excluded.
- 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.

20. Requests for Information

- a) Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b) 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.

21. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b) **Subject to standing order 21(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

22. Communicating with District and County or Unitary councillors

- a) As a matter of procedure, a copy of the agenda for each meeting shall be sent, together with an invitation to attend, to each County and City Councillor for the Parish, so as to afford them knowledge of items to be discussed and afford them the opportunity to attend each meeting and address the Council during the period of public participation.

23. Restrictions on Councillor Activities

Unless authorised by a resolution, no councillor shall:

- a) Inspect any lands or premises which the council has a right or duty to inspect; or
- b) Issue orders, instructions or directions

24. Planning Applications

- a) The Clerk shall refer planning issues, applications and proposals to the Council on a monthly basis.

25. Standing Orders Generally

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