

Elton Parish Council Standing Orders Preamble

1. Title and Area

The Council shall be called the Elton Parish Council and operate in the area specified in the Statutory Order setting up the Parish Council or in any subsequent amendment.

2. Definitions

Unless the sense suggests otherwise, any reference to 'Council' or 'the Council' means the Elton Parish Council and any reference to 'the Clerk' means the Clerk of the Council. The expression 'Chairman' means the Chairman of the Council.

3. Functions

The functions of the Council shall be to:

- (a) Exercise such power and duties as are laid upon it by these rules
- (b) Exercise such powers and duties as are laid upon it by statute
- (c) Exercise such powers and duties as are laid upon it by delegation from the Cheshire West and Chester Council or their successors in title
- (d) Protect, preserve, enhance and promote bio-diversity within the parish of Elton
- (e) Protect, enhance and promote the collective interests and wellbeing of the residents of the parish of Elton
- (f) Make representations to Cheshire West and Chester Council (or their successors in title) and any other statutory body or public utility on matters affecting the residents of the area of Elton parish.
- (g) Stimulate and foster support for approved policies of the Council.

4. Constitution

- (a) The Council shall consist of ten Members elected by the electors of the parish of Elton or such other number as may be specified by the Borough Council which shall not be less than five and such co-opted Members as the Council may determine.
- (b) All Councillors shall retire together in every ordinary year of election of such Councillors on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire.

5. Financial and Administrative Year

The Financial and Administrative year of the Council shall be in the period commencing on the first day of April and ending on the thirty-first day of March the following year.

Disorderly conduct at meetings

- 1.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If the standing order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 1.2 If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman 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.
- 1.3 If a resolution made under Standing Order 1.2 above is ignored, the Chairman 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.

Meetings generally

- 2.1 **Meeting 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.**
- 2.2 **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 (including Maundy Thursday) or of a bank holiday or a day appointed for public thanksgiving or mourning, unless the meeting is convened at shorter notice.**
- 2.3 **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.**
- 2.4 The period of time designated for public participation at a meeting in accordance with standing order 2.3 above shall not exceed 30 minutes unless directed by the Chairman of the meeting.
- 2.5 Subject to standing order 2.4 above, a member of the public shall not speak for more than three minutes.
- 2.6 A question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- 2.7 A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- 2.8 Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- 2.9 **The proceedings of any meeting open to the press and public may be photographed, recorded, broadcast or transmitted without modification or editing.**
- 2.10 **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.**
- 2.11 **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- 2.12 **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.**
- 2.13 **The Chairman 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.**

2.14 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 the vote is taken.

2.15 The Minutes of a meeting shall include an accurate record of the following:

(15.a) the time and place of the meeting

(15.b) the names of Councillors present and absent

(15.c) interests that have been declared by Councillors and non-councillors with voting rights

(15.d) whether a Councillor or non-councillor with voting rights left the meeting when matters that they held interest in were being considered

(15.e) if there was a public participation session; and

(15.f) the resolutions made.

2.16 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.

2.17 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.

2.18 If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.

2.19 A meeting shall not exceed a period of two hours except by resolution of the Council.

Committees and Sub-Committees

2.20 The Council may appoint standing Committees or other Committees as may be necessary and:

(20.a) Shall determine their terms of reference;

(20.b) Shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;

(20.c) Shall permit a Committee to determine the number and time of its meetings

(20.d) Shall appoint and, if appropriate, determine the terms of office of member of such a Committee;

(20.e) May appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer three days before the meeting that they are unable to attend;

(20.f) Shall permit a committee to appoint its own Chairman at the first meeting of the committee

(20.g) Shall determine the place, notice requirements and quorum for a meeting of a committee which shall be no less than three

(20.h) Shall determine if the public may participate at a meeting of a committee;

(20.i) May dissolve a committee

Ordinary Council meetings

2.21 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.

2.22 In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.

2.23 If not other time is fixed, the annual meeting of the Council shall take place at 6pm.

2.24 In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

- 2.25** The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.
- 2.26** 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.
- 2.27** 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.
- 2.28** 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.
- 2.29** 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.
- 2.30** Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council the business of the annual meeting shall include:
- (30.a)** in an election year, delivery by the Chairman 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 Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - (30.b)** confirmation of the accuracy of the Minutes of the last meeting of the Council;
 - (30.c)** receipt of the Minutes of the last meeting of a Committee;
 - (30.d)** consideration of any recommendations made by a Committee;
 - (30.e)** review of delegation arrangements to Committees, the Parish Clerk and other local authorities
 - (30.f)** review of the terms of reference of Committees;
 - (30.g)** appointment of members to existing Committees;
 - (30.h)** appointment of any new Committees;
 - (30.i)** review and adoption of appropriate Standing Orders and Financial Regulations;
 - (30.j)** review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - (30.k)** review of representation on or work with external bodies;
 - (30.l)** in an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - (30.m)** review of inventory of land and assets including buildings and office equipment;
 - (30.n)** confirmation of arrangements for insurance cover in respect of all insured risks;
 - (30.o)** review of the Council's and/or staff subscriptions to other bodies;
 - (30.p)** review of the Council's complaints procedure;
 - (30.q)** review of the Council's procedure for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - (30.r)** review of the Council's policy for dealing with the press/media; and
 - (30.s)** determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

Extraordinary Meetings of the Council (and Committees)

2.31 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

2.32 If the Chairman 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.

2.33 The Chairman of a Committee may convene an extraordinary meeting of the Committee at any time.

2.34 If the Chairman of a Committee does not, or refuses to, call an extraordinary meeting within seven days of having been requested to do so by two members of the Committee, any two members of the Committee may convene an extraordinary meeting of a Committee.

Previous Resolutions

2.35 A resolution shall not be reversed within six months except by a written request signed by at least three Councillors and given to the Proper Officer, or by a recommendation of a Committee.

2.36 When a motion moved pursuant to Standing Order 6.1 above has been disposed of, no similar motion may be moved within a further six months.

Voting on Appointments

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

Motions at a meeting that do not require written notice

2.38 The following motions may be moved at a meeting without written notice to the Proper Officer:

(38.a) to correct an inaccuracy in the draft Minutes of a meeting;

(38.b) to move to a vote;

(38.c) to defer consideration of a motion;

(38.d) to refer a matter to a particular Committee;

(38.e) to appoint a person to preside at a meeting;

(38.f) to change the order of business on the agenda;

(38.g) to proceed to the next business on the agenda

(38.h) to require a written report;

(38.i) to appoint a Committee and its members;

(38.j) to extend the time limits for speaking;

(38.k) to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;

(38.l) to not hear further from a Councillor or a member of the public;

(38.m) to exclude a Councillor or member of the public for disorderly conduct;

(38.n) to temporarily suspend the meeting;

(38.o) to suspend a particular standing order (unless it reflects mandatory statutory requirements);

(38.p) to adjourn the meeting; or

(38.q) to close a meeting.

Handling confidential or sensitive information

- 2.39** The agenda, papers that support the agenda and the Minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 2.40** Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

Draft Minutes

- 2.41** If the draft Minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 2.42** There shall be no discussion about the draft Minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft Minutes shall be moved in accordance with Standing Order 8.1(a) above.
- 2.43** The accuracy of the 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.
- 2.44** 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 the () held on (date) in respect of () were a correct record but his view was not upheld by the meeting and the Minutes are confirmed as an accurate record of the proceedings.”*
- 2.45** Upon a resolution which confirms the accuracy of the Minutes of a meeting, the draft Minutes or recordings of the meeting for which approved Minutes exist shall be destroyed.

Code of Conduct and dispensations

- 2.46** All Councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 2.47** 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.
- 2.48** 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.
- 2.49** **Dispensation requests shall be in writing and be 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.
- 2.50** A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 2.51** A dispensation request shall confirm:
- (51.a)** the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - (51.b)** whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - (51.c)** the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - (51.d)** an explanation as to why the dispensation is sought.

2.52 Subject to Standing Orders 11.4 and 11.6 above, dispensation requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

2.53 A dispensation may be granted in accordance with Standing Order 11.5 above if having regard to all relevant circumstances the following applies:

- (53.a)** 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 impeded the transaction of the business; or
- (53.b)** granting the dispensation is in the interests of persons living in the Council's area; or
- (53.c)** it is otherwise appropriate to grant a dispensation.

Code of Conduct complaints

2.54 Upon notification by the Borough Council that it is dealing with a complaint that a Councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 8 above, report this to the Council.

2.55 Where the notification in Standing Order 12.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact and the Chairman shall nominate a Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 12.4 below.

2.56 The Council may:

- (56.a)** provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- (56.b)** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

2.57 Upon notification by the Borough 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.

Proper Officer

2.58 The Proper Officer shall be the Clerk or a Councillor nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

2.59 The Proper Officer shall:

- (59.a)** at least three clear days before a meeting of the Council or a Committee serve on Councillors, by delivery or post at their residences or by e-mail, a signed summons confirming the time, place and the agenda;
 - (59.b)** give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
 - (59.c)** convene a meeting of the Council for the election of a new Chairman of the Council occasioned by a casual vacancy in this office;
 - (59.d)** facilitate inspection of the minute book by local government electors;
 - (59.e)** receive and retain copies of bylaws made by other local authorities;
 - (59.f)** retain acceptance of office forms from Councillors;
 - (59.g)** retain a copy of every Councillor's register of interests;
 - (59.h)** assist with responding to requests made under the Freedom of Information Act 2000 and Data protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
 - (59.i)** receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
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- (59.j) manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- (59.k) arrange for legal deeds to be executed;
- (59.l) arrange or manage the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
- (59.m) record every planning application notified to the Council and the Council's response to the local planning authority;
- (59.n) refer a planning application received by the Council to the Chairman or, in his absence, the Vice-Chairman of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- (59.o) manage access to information about the Council via the publication scheme; and
- (59.p) retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

Responsible Financial Officer (RFO)

2.60 The Council shall appoint appropriate Councillors to undertake the work of the RFO when the RFO is absent.

Accounts and accounting statements

2.61 "Proper practices" in Standing Orders refer to the most recent version of "*Governance and Accountability for Local Councils – a Practitioner's Guide*" issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society of Local Council Clerks (SLCC).

2.62 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.

2.63 The RFO shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise

- (63.a) the Council's receipts and payments for each quarter;
- (63.b) the Council's aggregate receipts and payments for the year to date;
- (63.c) the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends. Bank statements showing the balances in the Council's bank accounts shall be signed off by the Chairman half yearly and at year end;

2.64 As soon as possible after the financial year end at 31 March, the RFO shall provide:

- (64.a) each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
- (64.b) to the Council the accounting statements for the year in the form of the appropriate Section of the annual return, as required by proper practices, for consideration and approval.

2.65 The year end accounting statement 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.

Financial controls and procurement

2.66 The Council shall consider and approve Financial Regulations drawn up to the RFO which shall include detailed arrangements in respect of the following:

- (66.a) the keeping of accounting records and systems of internal controls;
- (66.b) the assessment and management of financial risks faced by the Council;
- (66.c) the work of the independent internal auditor in accordance with proper practices and the receipt of an annual report from the internal auditor;

- (66.d) the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
- (66.e) procurement policies (subject to Standing Order 16.3 below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000

2.67 Financial Regulations shall be reviewed regularly and at least annually for fitness or purpose.

2.68 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 16.4 below.

2.69 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:

- (69.a) a specification for the goods, materials, services or the execution of works shall be drawn up;
- (69.b) 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;
- (69.c) the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- (69.d) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- (69.e) tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
- (69.f) tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee with delegated responsibility.

2.70 Neither the Council nor a Committee with delegated responsibility for considering tenders is bound to accept the lowest value tender.

2.71 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.

Requests for Information

2.72 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.

2.73 Correspondence from and notices served by the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council.

Relations with the press/media

2.74 Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

Execution and sealing of legal deeds

2.75 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

2.76 Subject to Standing Order 19.1 above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

Communicating with Borough Councillors

2.77 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor(s) of the Borough Council representing the area of the Council.

2.78 Unless the Council determines otherwise, a copy of each letter sent to the Borough Council shall be sent to the Ward Councillor representing the area of the Council.

Restrictions on Councillor Activities

2.79 Unless authorised by a resolution, no Councillor shall:

(79.a) inspect any land and/or premises which the Council has a right or duty to inspect; or

(79.b) issue orders, instructions or directions.

Standing Orders generally

2.80 All or part of a Standing Order, except one that incorporates mandatory statutory requirements **(in bold type)**, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

2.81 A motion to add to or vary or revoke one or more of the Council's Standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion the written notice by at least three Councillors to be given to the Proper Officer at least five days before a meeting of the Council.

2.82 The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his acceptance of office form.

2.83 The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.