Emberton Parish Council
Standing Orders

MEETINGS

1. Meetings of the council shall meet no less than once a month.
2. **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.**
3. **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.**
4. **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.**
5. **Subject to standing order 4, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting procedures, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
6. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
7. **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.**
8. **The Statutory Annual Meeting (a) in an election year, shall be held on the Monday next following the fourth day after the ordinary day of elections to the council in May, and (b) in a non election year, shall be held on the first Monday in May.**

CHAIRMAN OF MEETING

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

QUORUM

10. **Three members shall constitute a quorum. 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.**

VOTING

11. **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.**
12. **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.

13. Every decision, save to appoint an honorary freeman, must be made by a majority of the members present and voting. Members vote by a show of hands.

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

    (a) 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.

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

ORDER OF BUSINESS

15. **At each Annual Meeting the first business shall be:-**

    (a) To elect a Chairman.

    (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 elections 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.

16. **At every Meeting other than the Annual Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and undertaking to observe the Council's Code of Conduct (adopted 3.9.12) and to receive such Declaration of Office (if any) as are required by law to be made.**

17. Every March the council shall review the pay and conditions of service of existing employees in line with National Pay Scales.

18. 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:-

    (a) **After consideration, to approve the initial of the Minutes by the Chairman.**

    (b) **To deal with business expressly required by statute to be done.**

    (c) To dispose of business, if any, remaining from the last Meeting.

    (d) To receive such communication as the Chairman may wish to lay before the council.

    (e) To authorise the signing of orders for payment.

19. A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or any member.

RESOLUTIONS MOVED ON NOTICE

20. 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 14 days clear before the next meeting of the council.

RESOLUTIONS MOVED WITHOUT NOTICE

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

To appoint a Chairman of the meeting.

To correct the Minutes.

To approve the Minutes.

To alter the order of business.

To proceed to the next business.

To Close or adjourn a debate.

To refer a matter to a committee.

To appoint a committee or any members thereof.

To adopt a report.

To authorise the sealing of documents.

To amend a resolution.

To give leave to withdraw a resolution or an amendment.

To exclude the public**.**

To silence or eject from the meeting a member named for misconduct.

To invite a member having an interest in the subject matter under debate to remain.

To give the consent of the council where such consent is required by these Standing Orders.

QUESTIONS

22. The first fifteen minutes of the council's meeting time to be taken up for questions by the public.

RULES OF DEBATE

23. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

24. A resolution or amendment shall not be disclosed unless it has been proposed, and, unless prior notice has already been give, 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

25. An amendment shall be either:

To leave out words.

To leave out words and insert or add others.

To insert or add words.

26. An amendment shall not have the effect of negating the motion before the council.

27. 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.

28. A further amendment shall not be moved until the council has disposed of every amendment previously moved.

29. A motion or amendment may be withdrawn by the proposer with the consent of the Chairman, which shall be signified without discussion, and no member may speak upon if after permission has been asked for its withdrawal unless such permission has been refused.

DISORDERLY CONDUCT

30. **All members must observe the Code of Conduct which was adopted by the council on 3rd September 2012, a copy of which is annexed to these Standing Orders.**

31. 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.**

32. If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of the Order, the Chairman shall express the 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).**

33. If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT TO REPLY

34. The mover of a resolution shall have the 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.

REVERSION OF A PREVIOUS DECISION

35. 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, or by resolution moved in pursuance of a report or recommendation of a committee.

36. When a special resolution has been disposed of, no similar resolution may be moved within a further six months

VOTING ON APPOINTMENTS

37. Where more than two persons have been nominated for any position to the 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.

RESOLUTION ON EXPENDITURE

38. Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council, and any committee affected by it shall consider whether it desires to report thereon.

EXPENDITURE

39. **Orders for payment of money shall be authorised by resolution of the council and signed by two members.**

SEALING OF DOCUMENTS

40. A document shall not be sealed on behalf of the council unless its sealing has been authorised by a resolution.

41. Any three members of the council may seal, on behalf of the council, any document required by law to be issued under seal.

EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

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

43. **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.**

44. The council may at the 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 members of a committee so as to hold office later than the next Annual Meeting and

    b) May, subject to the provisions of Order 35 above, at any time dissolve or alter the membership of a committee.

45. Every committee shall at its first meeting before proceeding to any business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next Annual Meeting of the council and shall settle its programme of meetings for the year.

46. The Chairman of a committee or Chairman 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 considered at the special meeting and no other business shall be transacted.

47. Every committee may appoint sub-committees for purposes to be specified by the committee.

48. The Chairman and Vice Chairman shall be members of every committee and sub-committee appointed by it unless they signify that they do not wish to serve.

49. Except when ordered by the council in the case of a committee, or by the council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.

VOTING IN COMMITTEES

50. Members of committees shall vote by shows of hands, or, if at least two members so request, by signed ballot.

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

ACCOUNTS AND FINANCIAL STATEMENT

52. The parish council shall be governed by the Financial Regulations attached to these Standing Orders.

53. The clerk is also appointed as the Responsible Financial Officer for the parish council.

54. **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.**

INTERESTS

55. **If a member has a personal interest as defined by the Code of Conduct adopted by the council on 3rd September 2012, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

56. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during consideration of the item to which the interest relates.**

57. **The clerk may be required to compile and hold a register of member's interest in accordance with agreement reached with the Monitoring Officer of the responsible authority and/or as required by statute.**

INSPECTION OF DOCUMENTS

58. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the council or a committee, and if documents are available shall, on request, be supplied for the like purpose with a copy.

59. **All Minutes kept by the council and by any committee or sub-committee shall be open for inspection by any member of the council.**

UNAUTHORISED ACTIVITIES

60. 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;

    unless authorised to do so by the council or the relevant committee or sub-committee.

CONFIDENTIAL BUSINESS

61. 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 sub-committee as the case may be. Any member in breach of this clause (59) shall be removed from any committee or sub-committee of the council by the council.

LIAISON WITH COUNCILLORS FOR THE WARD

62. A notice of the meeting shall be sent together with an invitation to attend to the Ward Councillors.

PLANNING APPLICATIONS

63. The clerk shall refer every planning application to the next council meeting, having first obtained, if necessary from Milton Keynes Council, an extension of response time.

STANDING ORDERS ON CONTRACTS

64. Whenever possible the council should obtain at least three tenders for a contract. Neither the council nor any committee or sub-committee is bound to accept the lowest tender.

CODE OF CONDUCT ON COMPLAINTS

65. The council shall deal with complaints of maladministration allegedly committed by the council or by an officer or member in the manner laid down in the Local Government Act 2001 (Model Code of Conduct).

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

66. **The council shall appoint a Data Protection Officer.**

67. **The council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

68. **The council shall have a written policy in place for responding to and managing a personal data breach.**

69. **The council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

70. **The council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.**

71. **The council shall maintain a written record of its processing activities.**