

STANDING ORDERS FOR EMBERTON PARISH COUNCIL

MEETINGS

1. Meetings of the council shall be held at The Pavilion, Hulton Drive, Emberton at 7.30 pm on the first Monday of the month unless it is a bank holiday, in which case it will be the following Monday unless the council otherwise decided at a previous meeting.
2. 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, or unless it falls on the May Day Bank Holiday, then it shall be held on the second Monday in May, and (b) in a year which is not an election year, shall be held on the second Monday in May.

CHAIRMAN OF MEETING

3. 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

4. Three members shall constitute a quorum.

VOTING

5. 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 and if any member so requires, the manner in which each member voted on any particular question must be recorded in the minutes; and a member who wishes the voting to be recorded may make his demand either before or after the vote.
6. 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

7. 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) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - (d) To consider the payment of any subscriptions falling to be paid annually.
 - (e) To inspect any deeds and trust instruments in the custody of the council.
8. 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 to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received, when they shall be received.
9. Every March the council shall review the pay and conditions of service of existing employees in line with National Pay Scales.
10. 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) To read and consider the Minutes; providing 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.
 - (b) After consideration, to approve the signature of the Minutes by the person presiding, as a correct record.
 - (c) To deal with business expressly required by statute to be done.
 - (d) To dispose of business, if any, remaining from the last meeting.

- (e) To receive such communication as the person presiding may wish to lay before the council.
- (f) To authorise the signing of orders for payment.

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

- (a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) Shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

12. 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

13. 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 a 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 resolution.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To exclude the public.
- (n) To silence or eject from the meeting a member named for misconduct.
- (o) To invite a member having an interest in the subject matter under debate to remain.
- (p) To give the consent of the council where such consent is required by these Standing Orders.

QUESTIONS

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

RULES OF DEBATE

15. 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.

- (a) A resolution or amendment shall not be disclosed unless it has been proposed, 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.
- (b) An amendment shall be either:-
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
- (c) An amendment shall not have the effect of negating the motion before the council.
- (d) 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.
- (e) A further amendment shall not be moved until the council has disposed of every amendment previously moved.
- (f) 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 it after permission has been asked for its withdrawal unless such permission has been refused.

DISORDERLY CONDUCT

16. (a) 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 scandalise the council or bring it into contempt or ridicule.

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

RIGHT TO REPLY

17. 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.

RECISSION OF A PREVIOUS RESOLUTION

18. (a) A decision (whether affirmative or negative) of the council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least 4 members of the council, or by resolution moved in pursuance of a report or recommendation of a committee.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

19. 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.

RESOLUTIONS ON EXPENDITURE

20. 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

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

SEALING OF DOCUMENTS

22. (a) A document shall not be sealed on behalf of the council unless its sealing has been authorised by a resolution.
- (b) Any three members of the council may seal, on behalf of the council, any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

23. 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 member of a committee so as to hold office later than the next Annual Meeting, and
 - (b) May, subject to the provisions of Order 18 above, at any time dissolve or alter the membership of a committee.
24. The Chairman and Vice-Chairman shall be members of every committee.
25. 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.
26. 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.

27. Every committee may appoint sub-committees for purposes to be specified by the committee.
28. The Chairman and Vice-Chairman shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
29. 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

30. Members of committees shall vote by shows of hands, or, if at least two members so request, by signed ballot.
31. The Chairman of committees and sub-committees shall in the case of an equality of votes, have a second or casting vote.

ACCOUNTS AND FINANCIAL STATEMENT

32. Except as provided in paragraph (a) of this Standing Order or by statute, all accounts for payment and claims upon the council shall be laid before the council.
 - (a) 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 Chairman or Vice-Chairman of the council.
 - (b) All payments ratified under sub-paragraph (a) of this Standing Order shall be separately included in the next schedule of payments laid before the council.
33. The clerk shall make available to each member at the ordinary meeting next after the end of the Financial Year, a statement of receipts and payments.

ESTIMATES

34. The council shall approve written estimates in the Budget and grants for the coming financial year at its meeting in the month of January.
 - (a) Any committee desiring to incur expenditure shall, not later than the month of December, give to the clerk a written estimate of the expenditure recommended for the coming financial year.

INTERESTS

35. Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.
36. A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:
 - (a) a disclosable pecuniary interest as described at Part 2 A. 1. of the Members Code of Conduct and section 30(3) of the Localism Act 2011;
 - (b) other pecuniary interest as described at Part 2 B. 1. of the Members Code of Conduct;; or
 - (c) personal interest as described at Part 2 B. 2. of the Members Code of Conduct;held by a member and, when prompted by the agenda item, at the commencement of that consideration of when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest. A Member may take part in the discussion relating to the conflict of interest but may not vote upon any decision in relation to that business.
37. Where an interest is disclosed arising from
 - (a) a disclosable pecuniary interest; or

- (b) other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice the member's judgement of the public interest

the Member

- (i) may not participate in any discussion of the matter at the meeting
- (ii) may not vote on the matter at the meeting
- (iii) must retire to the public gallery or other area set aside from the meeting.

- 38. Where a Member holds a conflict of interest described at 37 above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Standing Orders.
- 39. Where a Member is present at a meeting where that Member is to be called upon to make a decision in the public interest, and that Member considers they have fettered their discretion in some other way, that Member may exercise any separate speaking rights as a ward member or member of the public but should not take part in the discussion or vote as a Member of the meeting.
- 40. The clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the council of a personal or prejudicial interest in a contract or matter to be discussed upon the agenda. The book shall be open during reasonable hours of the day for inspection of any member.

INSPECTION OF DOCUMENTS

- 41. 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.
- 42. All Minutes kept by the council and by any committee shall be open for inspection by any member of the council.

UNAUTHORISED ACTIVITIES

- 43. 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.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 44. The public shall be admitted to all meetings of the council and its committees and sub-committees, which may, temporarily exclude the public by means of the following resolution,

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

(Note: The special reasons should be stated. Circular 1/86 issued by NALC deals with situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed, they may be invited (by name) to remain after the exclusion resolution is passed.)

- 45. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order the person to be removed from the council chamber.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 46. The Council shall appoint a Data Protection Officer.
- 47. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 48. The Council shall have a written policy in place for responding to and managing a personal data breach.
- 49. 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.

50. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

51. The Council shall maintain a written record of its processing activities.

CONFIDENTIAL BUSINESS

52. 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.

- (a) Any member in breach of the provisions of the first paragraph of Standing Order No 44 shall be removed from any committee or sub-committee of the council by the council.

LIAISON WITH COUNCILLORS FOR THE WARD

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

PLANNING APPLICATIONS

54. 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 ORDER ON CONTRACTS

55. Whenever possible the council should obtain at least three tenders for a contract.

- (a) Tenders should be opened by the clerk or other person to whom the tenders are required to be addressed on the date specified.
- (b) Neither the council nor any committee or sub-committee is bound to accept the lowest tender.

CODE OF CONDUCT ON COMPLAINTS

56. 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).

1st May 2018