

Anston Parish Council Standing Orders (2016)
Issue 1.0

Key:

- ▶ Mandatory for meeting of the full Council
- ▼ Mandatory for committee meetings
- ▲ Mandatory for sub-committee meetings

Text shown in **bold** is mandatory by law and cannot be suspended. Please note that some bold text is only mandatory for certain types of meeting. If the type of meeting is not explicit in the text then the text should be preceded by a symbol the key to which can be found above.

MEETINGS

1. (a) Meetings of the Council shall be held at the Parish Hall, 15A Ryton Road, North Anston at 7:30 in the afternoon unless the Council otherwise decides at a previous meeting.
▶ **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.**

(b) Meetings shall finish at or before 9:30 p.m.

(c) ▶ ▼ **When calculating the three clear days for notice of a meeting to councillors and the public, 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 shall not count.**
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 within fourteen days) and (b) in a year which is not an election year shall be held on the third Monday in May.**
3. **The three other statutory meetings shall be held on the third Monday in the months of September, December and March. Seven additional meetings shall be held on the third Monday in the months of June, July, October, November, January, February and April.**
4. ▶ ▼ ▲ **The minutes of a meeting shall record the names of Councillors present.** If, prior to a meeting, a Councillor has submitted a reason for his absence from the meeting, which is then approved by resolution, such a resolution shall be recorded in the minutes of the meeting at which the approval was given.

CHAIRMAN OF MEETING

5. **▶ 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. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to, or before the Chairman may in his absence be done by, to, or before the Vice-Chairman (if any).**

PROPER OFFICER

6. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, he shall be the Clerk. In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.
- (a) **To receive and retain declarations of acceptance of office from councillors.**
 - (b) To receive and retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection. To post such registers of interest on the parish council's web-site, in accordance with the Localism Act 2011.
 - (c) To receive and retain documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) **To receive and retain copies of byelaws made by the Borough Council.**
 - (f) To certify copies of byelaws made by the Council.
 - (g) **To sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least three clear days before the meeting** or, upon the Council having first resolved that the above is not expedient, electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least three clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.
 - (h) **To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council and a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- (i) **To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Orders (g) and (h)**
- (j) To keep proper records required before and after meetings.
- (k) To oversee all requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- (l) To manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- (m) To arrange for legal documents to be sealed using the Council's common seal or to be signed by two councillors and witnessed (see Standing Order 65).
- (n) To arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- (o) To retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- (p) To action or undertake activity or responsibility instructed by resolution or contained in Standing Orders or Financial Regulations or Clerk's Delegated Powers.

QUORUM

- 7. **▶ 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.**
- 8. **▶ ▼ ▲ If a meeting is, or becomes, inquorate, no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

VOTING

- 9. **▶ Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands.**
▶ ▼ ▲ Subject to Standing Order 8, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- 10. **▶ 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.

11. **(1) ▶ ▼ ▲ Subject to (2) and (3) 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 exercise his casting vote whether or not he gave no original vote.**
- (2) ▶ 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.**
- (3) ▶ 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.**

ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of the Proper Officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

12. **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 election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - (d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
 - (e) To receive apologies.
 - (f) To disclose members' interest in any item to be discussed.
 - (g) To identify items for which the Press and Public may be excluded.
 - (h) To elect a Vice-Chairman.
 - (i) To nominate candidates to school governing bodies.
 - (j) To appoint committees, approve Terms of Reference and set program of meetings
 - (k) To appoint two members to the South Yorkshire branch of the YLCA

- (l) To reaffirm current bank signatories.
- (m) To consider the payment of any subscriptions falling to be paid regularly or annually.
- (n) To approve payments by direct debit.
- (o) To approve contractors.
- (p) To inspect any deeds and trust instruments in the custody of the council.
- (q) To confirm Standing Orders.
- (r) To confirm Financial Regulations.
- (s) To approve Internal Audit Review Plan and to confirm Internal Auditor.
- (t) To confirm Clerk's Delegated Powers.
- (u) To agree Chairman's Allowance.
- (v) To agree Members' Allowance.
- (w) To confirm Publication Scheme under the FOI Act.
- (x) To confirm Safety Policy Statement.
- (y) To confirm Operational Risk Assessment.
- (z) To receive Internal Audit reports
- (aa) To authorise year end accounts
- (bb) To agree the declarations as to the Annual Governance Statement:

and shall thereafter follow the order set out in Standing Order 15.

13. **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 to decide when they shall be received.**
14. 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: 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.
 - (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 receive such communications as the person presiding may wish to lay before the council.
 - (e) To authorise the sealing of documents.
 - (f) To consider resolutions notified by members or committees.
 - (g) To discuss matters notified by members or the Clerk or brought over from another meeting.
 - (h) To consider planning and licensing matters.
 - (i) To consider any matters for which the Press and Public have been excluded.

15. 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
 - (b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

16. Except as provided by these Standing Orders, no motion may be moved at a meeting 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 ten clear working days before the next meeting.
17. The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 16, correct obvious grammatical or typographical errors in the wording of the motion, preferably after consultation with the mover.
18. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 16 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least ten clear working days before the meeting.
19. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
20. Having consulted the Chairman or councillors pursuant to Standing Order 19, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
21. Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be recorded and the record shall be open to inspection by all councillors.
22. Every notice of motion rejected by the Proper Officer in accordance with the Council's Standing Orders shall be duly noted on the record of motions received giving reasons for its rejection and in accordance with Standing Order 21 this record shall be open to inspection by all councillors.
23. If a motion 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.

24. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.
25. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

RESOLUTIONS MOVED WITHOUT NOTICE

26. Resolutions dealing with the following matters may be moved without written notice:-
 - (a) To appoint a person to preside at meeting.
 - (b) To approve the absences of councillors.
 - (c) To approve the accuracy of the minutes of the previous meeting.
 - (d) To correct an inaccuracy in the minutes of the previous meeting.
 - (e) To dispose of business, if any, remaining from the last meeting.
 - (f) To alter the order of business on the agenda for reasons of urgency or expedience.
 - (g) To proceed to the next business on the agenda.
 - (h) To close or adjourn the debate.
 - (i) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - (j) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - (k) To receive nominations to a committee or sub-committee.
 - (l) To dissolve a committee or sub-committee.
 - (m) To receive the minutes of a meeting of a committee or sub-committee.
 - (n) To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - (o) To consider a report and/or recommendation made by an employee, professional adviser, expert or consultant.
 - (p) To authorise the sealing of documents.
 - (q) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it,
 - (r) To give leave to withdraw a motion or an amendment.
 - (s) To extend the time limit for speeches.
 - (t) To exclude the press and public for all or part of a meeting.
 - (u) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - (v) To give the consent of the Council if such consent is required by Standing Orders.

- (w) To invite a member having an interest in the subject matter under debate to remain.
- (x) **To suspend any Standing Order except those which are mandatory by law.**
- (y) To adjourn the meeting.
- (z) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- (aa) To answer questions from councillors.

27. Intentionally left blank.

QUESTIONS

- 28. A Councillor may seek an answer to a question concerning any business of the Council provided ten clear working days notice of the question has been given to the Proper Officer.
- 29. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 30. Every question shall be put and answered without discussion.
- 31. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 32. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- 33. A motion shall not be considered unless it has been proposed and seconded.
- 34. In accordance with Standing Order 23, if a motion 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.
- 35. A motion to amend an original or substantive motion shall not be considered until after the original or substantive motion has been proposed and seconded and notice of such amendment shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

36. A Councillor may move amendments to his own motion.
37. A Councillor shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
38. No speech by a mover of a motion shall exceed three minutes, and no other speech shall exceed three minutes except by consent of the Council.
39. 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
40. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
41. If an amendment is carried, the resolution shall take the place of the original motion and shall become the resolution upon which any further amendment may be moved.
42. A further amendment shall not be moved until the Council has disposed of the amendment previously moved.
43. A Councillor, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move closure, or to seek clarification of a motion or amendment.
44. A Councillor may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A Councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
45. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Councillor may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
46. When a motion is under debate no other motion shall be moved except the following:
 - (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.

- (v) That a member named be not further heard.
- (vi) That a member named do leave the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

47. A member shall use a microphone (if available) when speaking.
48. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

49. At the end of any speech a Councillor may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. The Chairman shall put the motion but, in the case of a motion “to put the question”, 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.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agenda need to be issued except a notification to members not present of the date of the continuation of the meeting).

CONDUCT

50. (a) General Obligation:
- (1) Members must treat others with respect.
 - (2) Members must not:
 - (i) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010);
 - (ii) bully any person;
 - (iii) intimidate or attempt to intimidate any person who is or is likely to be:

a) a complainant,
b) a witness, or
c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
(iv) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

(b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

(c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

(d) 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.

(e) **► ▼ ▲ The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

(f) **► ▼ ▲ An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.**

(g) All councillors shall endeavour to undertake training in the Code of Conduct within twelve months of the delivery of their declaration of acceptance of office subject the availability of courses.

RIGHT OF REPLY

51. The mover of a resolution shall have a right of reply immediately before the motion 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

52. A member may move amendments to his/her own resolution.

RESCISSION OF PREVIOUS RESOLUTION

53. (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 eight members of the Council, or by a resolution moved in pursuance of the report or recommendations 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.

VOTING ON APPOINTMENTS

54. 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. Any tie may be settled by the Chairman's first or casting vote.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

55. 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 public shall be excluded. (See Standing Order No. 95)

RESOLUTIONS ON EXPENDITURE

56. Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed, 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 and the Finance Committee shall report on the financial aspects of the matter.

MINUTES

57. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
58. No discussion of the draft minutes of a preceding meeting shall take place except in relation to accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 26 (d)
59. Minutes, including any amendment to correct their accuracy, 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.
60. 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 () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.’
61. Upon a resolution which confirms accuracy of the minutes of a meeting only those, duly signed, minutes shall be placed on file.

EXPENDITURE

62. Any expenditure incurred by the Council shall be in accordance with the Council’s Financial Regulations or Clerk’s Delegated Powers.
63. **The Council’s Financial Regulations shall be reviewed once a year.**
64. **The Council’s Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.**

SEALING OF DOCUMENTS

65. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) **The Council's seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses or any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signature.**

COMMITTEES AND SUB-COMMITTEES

(A committee must have fewer members than there are on full council. Any meeting where all councillors are present as members of that meeting is by definition a meeting of the full council and cannot be called a committee.)

66. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
 - (b) may appoint persons other than members of the Council to any Committee; and
 - (c) may in accordance with Standing Orders at any time dissolve or alter the membership of a committee.
 - (d) shall determine their terms of reference.
 - (e) May permit committees to determine the dates of their meetings.
67. (a) The Chairman and Vice-Chairman ex officio shall be members of every committee.
- (b) Subject to paragraph (a) above, any member of the Council who is not appointed to a committee or sub-committee shall have no right to attend meetings of said committee or sub-committee, other than under the rights conferred by the Public Bodies (Admission to Meetings) Act 1960, unless invited to do so by said committee or sub-committee.
68. Every committee shall at its first meeting before proceeding to any other 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.
69. The Chairman of a committee or the 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 at that meeting.

70. Every committee may appoint sub-committees for purposes to be specified by the committee.
71. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
72. Except where 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 three of its members.
73. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

ADVISORY GROUPS

74. (a) The Council may appoint advisory groups comprising of a number of councillors and non-councillors.

(b) The Clerk shall inform the members of each advisory group of the terms of reference of the group.

(c) An advisory group may make recommendations and give notice thereof to the Council.

(d) An advisory group may consist wholly of persons who are not members of the Council.

(e) Any member of the Council who is not appointed to an advisory group shall have no right to attend meetings of said advisory group.

VOTING IN COMMITTEES

75. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
76. **The Chairman of any committee or sub-committee shall, in the case of an equality of votes, have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

77. 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.

EXTRAORDINARY MEETINGS

78. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
79. **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 to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving time, venue and agenda for such a meeting must be signed by the two councillors.**
80. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
81. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within seven days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving time, venue and agenda for such a meetings must be signed by the two councillors.

ACCOUNTS AND FINANCIAL STATEMENT

82. (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Finance Committee (currently termed the Finance and General Purposes Committee).
- (b) Where it is necessary to make a payment before it has been authorised by the Finance Committee or 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 a charge of the business to which it relates, or by the Proper Officer for payments with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments laid before the Council.

83. The Clerk shall supply to each Councillor at an ordinary meeting before the end of the month of May next after the end of the Financial Year a statement of income and expenditure, unless this has been reported on a regular basis throughout the year. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before the 30th day of June.
84. Financial Regulations shall be reviewed at least annually.
85. The Responsible Financial Officer shall supply to each Councillor as soon as practicable a monthly statement of receipts and payments and the balances held. At least quarterly the RFO shall include a comparison with the budget.

ESTIMATES (The Budget)

86. (a) The Council shall approve written estimates (the budget) for the coming financial year at its meeting in the month of December (Note: the month fixed should be such that the precept request for the coming year can reach the Borough Council during January).

(b) Any committee desiring to incur expenditure shall, not later than the end of November give to the Proper Officer a written estimate of the expenditure recommended for the coming year.

INTERESTS (In relation to contracts or otherwise)

87. 1) Where a matter arises at a meeting which relates to an interest listed in Appendix A (attached at end of Standing Orders) the member shall:
 - a) Declare what his interest is (if not already entered into his Register)
 - b) Not participate in the discussion or vote on the matter.
 - c) Leave the room while the matter is discussed and voted upon.
- 2) Subject to paragraph 2 above, where a matter arises at a meeting which relates to an interest in Appendix A which is a 'sensitive interest', the member shall disclose that he has an interest but not the nature of it.
- 3) Where a matter arises at a meeting which relates to an interest in Appendix B (attached at the end of Standing Orders), the member
 - a) Shall declare what his interest is (if not already entered into his Register or if he speaks on the matter)
 - b) May speak on the matter only if members of the public are also allowed to speak at the meeting.
 - c) Shall not vote on the matter.

4) Subject to paragraph 3 above, where a matter arises at a meeting which relates to an interest in Appendix B which is a sensitive interest, the member shall disclose he has an interest but not the nature of it.

5) Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member

a) Shall disclose the nature of the interest.

b) May speak on the matter only if members of the public are also allowed to speak at the meeting.

c) Shall not vote on the matter

If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

88. Where a council member wishes to apply for a dispensation in any matter for which he has a Disclosable Pecuniary Interest (DPI), he will do so in writing, setting out the reasons why a dispensation is sought. The request must be sent to the Clerk and be within his possession ten clear working days ahead of the meeting at which dispensation will be considered. Upon receipt of the application the Clerk will ensure that an acknowledgement is sent to the councillor.

The Parish Council (or committee or sub-committee) may grant a dispensation to allow a member to participate and/or vote on an item for which he has a DPI if it considers that:

a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

b) granting the dispensation is in the interests of persons living in the council's area; or

c) it is otherwise appropriate to grant a dispensation.

A dispensation, when granted, must specify the period for which it has effect, and the period may not exceed 4 years (Localism Act 2011 s.33(3)).

89. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the council or to the appropriate committee any such disclosure.

The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

90. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Proper Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
91. Standing Order No. 90 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

92. 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.
93. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

94. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the council has a right or duty to inspect; or
- (b) Issue orders, instructions or directions

Unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

95. **▶ ▼ 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.**

Generally time will be allocated at each meeting in order to allow the public to speak.

Rules for Public Participation:

1. *At the start of the meeting a maximum of twenty minutes will be allocated for electors of the Civil Parish of Anston (other than Members of the Council) to put questions. An elector will be permitted to ask one question only and may speak for no more than two minutes.*
2. *A person shall raise his hand when requesting to speak and be invited to stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.*
3. *Any person speaking at a meeting shall address his comments to the Chairman.*
4. *Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.*
5. *Any elector of the parish may put forward a question about a matter for which the Parish Council has a responsibility or which affects the parish.*
6. *An elector seeking a response to a question at the meeting must give the Clerk written notice of the question at least ten clear working days before the meeting.*
7. *Questions will not be received by the Parish Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the Courts, a Tribunal or Government Minister.*
8. *Questions:-*
 - (a) *Must be reasonable and fair.*
 - (b) *Must not be defamatory, offensive or abusive.*
 - (c) *Must not seek personal information regarding individual employees or users of Council services.*
 - (d) *Must not relate to individual employment issues.*
 - (e) *Must not relate to matters on which there is a pending right of appeal.*
 - (f) *Must not relate to matters subject to litigation.*
 - (g) *Must not relate to business where the Parish Council has resolved to exclude the press and public from its deliberations.*
9. *A question will not be received by the Parish Council where the issue it concerns has been the subject of a decision of the Parish*

Council in the last six months (to coincide with rule 53 of these Standing Orders).

10. No discussion shall take place on any question put. The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for an oral response or a written response if the question is put in writing.

11. Where written notice of a question has been given, in accordance with point 6. above, a reply may be given orally at the meeting by the Chair or person nominated by the Chair, or a written reply may be given to the elector. If the elector is present when the question is answered orally the elector may ask a supplementary question linked to the original question.

12. The Chairman may decline to answer any question, whether for non-compliance with the above guidance or otherwise. The Chairman may curtail any debate which is considered to be inappropriate or not constructive.

13. If the Chairman considers that there has been a sufficiently serious breach of this procedure he/she may close the meeting.

14. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.

15. The Parish Council reserves the right to publish any questions received and the answers given.

16. A record that a public participation session took place at a meeting shall be included in the minutes of that meeting.

► ▼ ▲ In England only, The Openness of Local Government Bodies Regulations 2014 amended section 1 of the 1960 Act with effect from the 6th August 2014. Unless the meeting has resolved to exclude the public, the 1960 Act permits any person (including the press) who attends the meeting to report on the proceedings of the meeting. The new provision of the 1960 Act addresses the existence of different means of reporting which include the use of social media. 'Reporting' is defined in section 1 (9) of the 1960 Act to include: filming, photographing or making an audio recording at a meeting; using any other means for enabling people not present at a meeting to see or hear proceedings as it takes place or later; written reporting or commentary on the proceedings during or after a meeting or oral reporting or commentary after the meeting.

Section 1 (4A) of the 1960 Act confirms that a person present at the meeting does not have a right to give an oral report or commentary during the meeting. This is because such oral commentary could be disruptive to the meeting. A person providing a verbal or written report of a meeting will need to make sure that such commentary does not give rise to a libel claim and that the recording of individuals is made in accordance with the Data Protection Act 1998.

There is an expectation that reporting will focus on the proceedings of the meeting and those who are participating rather than those who are simply attending.

The recording of meetings is subject to the 'Rules for the Effective Management of Recordings at Anston Parish Council'.

96. **▶ ▼ The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
97. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the room or chamber.

CONFIDENTIAL BUSINESS

98. (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be. This clause is subject to the provisions of the Code of Conduct where disclosure under certain circumstances would be permitted.
- (c) Any member in breach of the provisions of paragraph (a) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH BOROUGH COUNCILLORS

99. A notice of meeting shall be sent together with an invitation to attend to the Borough Councillors for the ward.
100. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Borough Council shall be transmitted to the Borough Councillors for the ward.

GENERAL POWER OF COMPETENCE

101. The Localism Act 2011, s1(1) permits local authorities, including eligible Parish/Town Councils to use the General Power of Competence (the power to do anything that an individual may generally do).
102. To be eligible to use the General Power of Competence a council must have a qualified Clerk (in accordance with the recognised sector

specific qualifications) and, at the time the council resolves that it meets the criteria, the number of councillors elected at the last ordinary elections (or subsequent by-election) must equal or exceed two-thirds of the total number of councillors.

103. The council must decide at a full meeting that it meets the criteria and must pass a further resolution that it still meets the criteria at the Annual Meeting of the Council following the four-yearly elections.

RESTRICTIONS:

- a) If a proposed motion falls under the statutory duty of another authority then the duty remains with that authority.
- b) All current responsibilities of the local council (governance, procedural and financial) remain in place.
- c) All applicable laws (Employment, Company, Health & Safety, Equal Opportunity, Data Protection, Freedom of Information) must be complied with. Investments must follow government guidance.

PLANNING APPLICATIONS

104. (a) The Proper Officer shall refer every planning application to the Council meeting or to the Finance Committee (currently termed the Finance and General Purposes Committee) if it meets sooner.

FINANCIAL MATTERS

105. (a) The Council shall consider and approve Financial Regulations and related documents drawn up by the Responsible Financial Officer, which collectively shall include detailed arrangements in respect of the following:
- (i) the accounting records and systems of internal control;
 - (ii) the assessment and management of financial/operational risks faced by the Council;
 - (iii) the work of the independent internal auditor and the receipts of regular reports from the independent internal auditor, which shall be required at least annually;
 - (iv) the inspection and copying by councillors and local electors, of the Council's accounts and/or orders for payment;
 - (v) procurement policies for contracts of all levels (subject to Standing Order 105(b) below) and requirements under the Public Contract Regulations 2015.
- (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 £25,000 shall satisfy the requirements of the Public Contract**

Regulations 2015 and will be procured on the basis of a formal tender as summarised in Standing Order 105(c) below. The Council will advertise the contract opportunity on the Contract Finder website.

- (c) Any formal tender process shall comprise the following steps:
- (i) a public notice of intention to place a contract to be placed in a local newspaper;
 - (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - (iii) tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - (iv) tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - (v) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- (d) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender, estimate or quote.
- (e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (f) **Where the value of the contract is likely to exceed £172,514 (or the threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2015 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.**

CODE OF CONDUCT ON COMPLAINTS

106. The Council shall deal with complaints of procedural or administrative maladministration allegedly committed by the Council or by any officer or member in the manner recommended in the Complaints Procedure as shown at appendix C.

RELATIONS WITH THE PRESS/MEDIA

107. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed through the Chairman.
108. The Parish Council's media policy does not seek to regulate councillors in their private capacity.
 The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council's corporate position and views, they will make this clear.
 The Council's Clerk may contact the media if the Council wants to provide information, a statement or other material about the Council. Subject to the obligations on councillors not to disclose information, as outlined in its media policy, and not to misrepresent the Council's position, councillors are free to communicate their position and views.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

109. Any or every part of the Standing Orders except those printed in **bold type** (please note that some bold type applies only in specific circumstances, as indicated in the text) may be suspended by resolution in relation to any specific item of business.
110. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO COUNCILLORS

111. A copy of the Standing Orders shall be given to each Councillor by the Proper Officer upon delivery to him of the member's declaration of acceptance of office.
112. The Chairman's decision as to the application of Standing Orders at meetings shall be final.
113. A councillor's failure to observe Standing Orders more than three times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.

Standing Orders adopted at a meeting of Anston Parish Council held on Monday the 17th November 2014.

Chairman Clerk to the Council

The following appendices do not form part of Standing Orders but are attached for ease of reference.

Appendix A

Disclosable Pecuniary Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

In the extract from the Regulations * below, 'M' means the member and 'relevant person' means the member, the member's spouse or civil partner or a person with whom the member is living with as spouse or as if they were civil partners.

<u>Subject</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or

longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify the interests above as disclosable pecuniary interests for the purposes of Chapter 7 of Part 1 of the Localism Act 2011.

The Regulations provide the following definitions of terms used in the specification of disclosable pecuniary interests:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority.

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he is appointed or nominated by the Council.
- (ii) any body –
 - a) exercising functions of a public nature
 - b) directed to charitable purposes; or
 - c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which the member of the Council is a member or in a position of general control or management.
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his office.

Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Appendix C

Internal Complaints Procedure

- 1) This Policy sets out procedures for dealing with complaints that anyone may have about the Parish Council's ADMINISTRATION or PROCEDURES only.
Complaints regarding policy decisions made by the Council should be referred back to Council, however, in accordance with paragraph 53 of the Council's Standing Orders the issue shall not be re-opened for a period of six months from the date of the resolution.
- 2) If a complaint about procedures or administration is notified orally to a Councillor or the Clerk to the Council they will seek to satisfy the complaint fully. If that fails, the complainant will be asked to put the complaint in writing to the Clerk.
- 3) If the complainant prefers not to put the complaint to the Clerk to the Council they will be advised to put it to the Chairman of the Council.
- 4) On receipt of a written complaint the Chair of the Council or the Clerk to the Council shall try to settle the complaint directly with the complainant.
- 5) The Clerk to the Council or Chair of the Council will report to the next meeting of the Council on any written complaint that has been resolved by direct action with the complainant.
- 6) The Clerk to the Council or Chair of the Council will bring any written complaint, that has not been settled, to the next meeting of the Council. The Clerk to the Council will notify the complainant of the date on which the complaint will be considered. The complainant will be offered an opportunity to explain the circumstances of the complaint orally to the members of the Council. If deemed necessary a separate meeting (see notes regarding 'The meeting' below) will be called to discuss the complaint with the complainant.
- 7) The Council will consider whether the circumstances surrounding any complaint warrant the matter being discussed in the absence of the press and public, however, any decision regarding a complaint will be announced during the public session of a Council meeting.
- 8) As soon as possible, after a decision has been made, the nature of any action to be taken will be communicated, in writing, to the complainant.
- 9) The Council will defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint will be dealt with at the next meeting after the advice has been received.

THE MEETING

10) Seven clear working days prior to the meeting, the complainant shall provide to the Council copies of any documentation or any other evidence, which they wish to refer to at the meeting.

The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

11) The Chairman will introduce everyone.

12) The Chairman will explain the procedure.

13) The complainant or his representative will outline the grounds for the complaint.

14) The members to ask any question of the complainant.

15) If relevant, the Clerk or other proper officer to explain the Council's position.

16) The members to ask any question of the Clerk or proper officer.

17) The Clerk or other proper officer and the complainant will be offered an opportunity for a 'last word', in that order.

18) The Clerk or other proper officer and the complainant will be asked to leave the room whilst members decide whether or not the grounds of the complaint have been made. If clarification is necessary, both parties will be invited back to the meeting.

IT SHOULD BE NOTED that this procedure, other than as outlined above, does not cover complaints against elected members. Such complaints should be addressed to the Standards Committee at the Rotherham MBC.

Nor does this procedure cover complaints against employees. Complaints concerning employees, other than as outlined above, are addressed by the Parish Council as an employer and not as a public body. Such matters are therefore subject to internal investigation only.

Approved by Council 21/9/2009 (80/09)