

Old Windsor Parish Council

Standing Orders

Current from September 2016

(All Orders in bold are Statutory)

MEETINGS

- 1 "Meeting of this Council" is defined as a meeting of the Full Parish Council.
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. **When calculating the 3 clear days for notice of a meeting, 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 a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
4. Notices, of such meetings, are to be affixed to the various Parish Council Notice boards in the Parish and a summons to attend sent to every Member of the Council.
5. Meetings of the Parish Council shall normally be held on Wednesday at 7.30pm at the Parish Council Meeting Room. The dates for the meetings shall be agreed at the Annual Statutory Meeting of the Council whenever possible or at the next meeting if not.
 - 5.1 The place for the Meeting shall normally be in the Parish Council Meeting Room, Church Road.
 - 5.2 The start of the meeting will normally be at 7.30 pm.
6. **The Chairman may, for a special reason, convene a Meeting at another time and/or place.**
 - 6.1 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 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 must be signed by the two councillors.**
7. At 10.15 pm, the Meeting shall be closed by the Chair, unless the majority of those present, still being a quorum and without debate, resolve to continue until the agenda or part thereof, is completed.
8. **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected, take office and**

8.1 In a year which is not an election year, the Annual Parish Council Meeting shall be held on such a day in May as the Council may direct.

9. Meetings shall be open to the press and 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.

RECORDING AND REPORTING OF PROCEEDINGS BY THE MEDIA AND GENERAL PUBLIC

10. Audio and visual recordings of a meeting of the Council, Committees and other Council bodies by the general public, or the media, is permitted. It would be helpful if those wishing to record could contact the Council before the meeting so that we can ensure the necessary facilities are in place. The Chair of the meeting will advise the public that the meeting is being recorded. A request to record a meeting shall only be refused if the Chair of the meeting believes recording would disrupt the meeting. The purpose of these standing orders is to provide guidance for members of the press, or public, on the taking of photographs and/ or the audio / visual recording of any Council meeting which is held in public.

There are no restrictions on anyone at a council meeting using Twitter, blogs, Facebook or similar social media provided that the Chair does not consider their actions are disrupting the proceedings of the meeting.

Limitations

Although there is a statutory right to photograph and record Council meetings the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

Audio and Visual Recording - Your Obligations

Any member of the public, or of the media, wishing to photograph or record a meeting is asked to comply with the following:

- a) any photography or audio / visual recording takes place from a fixed position in the meeting room approved by the Chair so as to reduce disruption to the proceedings;
- b) use of flash photography or additional lighting is for a limited period only during the meeting at a point in the proceedings agreed in advance with the Chair;

- c) if the Chair feels that any photography, audio or visual recording is disrupting the meeting in any way, or any pre-meeting agreement has been breached, then the operator of the equipment will stop;
- d) if, during the meeting, a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- e) if a meeting is adjourned by the Chair then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- f) any request made by the Chair regarding respecting the public's right to privacy is complied with;
- g) people seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. Public notices will confirm that recording may take place and it is for the public to inform the council, or the person recording, if they object.
- h) use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image;
- i) photograph's, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

Notices will be displayed in the room advising the public that meetings can be recorded legally. The Council audio records all meetings for minuting purposes only.

Audio and Visual Recording - Your Rights

If, as a member of the public, you do not wish to be photographed, filmed or recorded please inform the Clerk in attendance at the meeting or the Chair of the meeting when notice is given that a request to photograph / record has been received.

Procedure Prior to the Meeting for those Wishing to Record or Photograph a Meeting

It would be appreciated if requests to take photographs or to record meetings open to the public, either by members of the public or by the media, were, wherever possible, made to the Clerk for the meeting concerned before the meeting. Contact details are:

It would be helpful for the request to include the following information:

- a) which meeting the request refers to;
- b) the name, organisation (if applicable) and contact details of the person making the request;
- c) what equipment it is intended will be used (to determine what facilities might be required);
- d) what the photographs, or audio / visual recording will be used for and / or where the information is to be published (this is helpful for the Chair to be able to inform the public).

Any equipment required for recording purposes should be set up before the meeting starts to avoid disturbance.

Social Media

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar “social media” provided that the Chair does not consider their actions are disrupting the proceedings of the meeting.

If the Chair feels the use of social media is disrupting the proceedings the Councillor, member of the public or media representative using social media may be required to stop.

If use continues the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

CHAIR OF THE MEETING

11. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present shall preside. If both the Chairman and the Vice- Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

11.1 The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

- 11.2 **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they 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.**
- 11.3 **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they 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.**

QUORUM OF THE COUNCIL

12. **No business can be transacted at any Meeting of the Council unless five members are present.**

12.1 If a quorum is not present, or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chair may fix.

ORDER OF BUSINESS

13. At each **Annual Statutory Parish Council Meeting** the first business shall be

13.1 To elect a Chairman

13.2 To receive the Chair's Declaration of Acceptance of Office, or, if not then received, decide when it shall be received.

13.3 To elect a Vice Chairman

14. The Council shall at the **Annual Statutory Parish Council Meeting** appoint one or more Lead Councillors and deputies to undertake responsibility for such areas as the Council may find necessary for the conduct of its business.

- 14.1 The Terms of reference for each Lead Councillor shall be determined by the Council.
- 14.2 The Council may at any time appoint such further Lead Councillors with such terms of reference as may be deemed necessary.
15. The Council shall at the **Annual Statutory Parish Council Meeting** appoint, where not otherwise required, representatives to other bodies.
16. At every Meeting, other than at the **Annual Statutory Parish Council Meeting**, the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent.
17. After the first business has been completed, the Council shall consider all other business, which includes the following:-
 - 17.1 To consider the Minutes at the beginning of the meeting for accuracy only, with the Chair initialling each page of the minutes as it is presented and if it is necessary, amend minutes as agreed;
 - 17.2 To take matters arising:
 - 17.3 After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - 17.4 To receive such communications as the Chairman may wish to lay before the Council.
 - 17.5 To deal with business expressly required by statute to be done.
 - 17.6 To consider business, if any, remaining from the last Meeting.
 - 17.7 To receive and consider reports and recommendations from Lead Councillors"
 - 17.8 To authorise the sealing of Documents
 - 17.9 To consider motions or recommendations in the order notified by the agenda.
 - 17.10 Any other business specified in the summons.

URGENT BUSINESS

18. A motion to vary the order of business on the grounds of urgency may be proposed by:

- (i) The Chair, without being seconded.
- (ii) By any Member with a seconder.
- (iii) Both (i) and (ii) shall be put to the vote/agreed by all members present without discussion

RULES OF DEBATE

19. No discussion shall take place upon the Minutes except upon their accuracy.

Corrections to the minutes shall be made by resolution and included as amendment to the minute and recorded in the minutes of the meeting at which the change is made.

a. Resolution or amendment shall not be discussed unless:-

- i. Proper notice has been given.
- ii. It has been proposed and seconded
- iii. If so required by the Chair, it shall be produced in writing and be with the Chair prior to it being put to the Meeting.

b. Members shall direct their speech through the Chair to:-

- i. The question under discussion.
- ii. A personal explanation.
- iii. A question of order.

c. An amendment shall not have the effect of negating the motion before the Council.

d. If an amendment is carried, the resolution, as amended, shall take the place of the original resolution, and shall become the resolution upon which any further amendment is moved.

- e. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- f. When a resolution is under debate, no other resolution shall be moved, except the following:-
 - (vii) To amend a resolution.
 - (viii) The resolution is carried.
 - (ix) That the resolution is referred to a Committee.
 - (x) To exclude the Press or Public, or both.
 - (xi) To adjourn the debate.
 - (xii) To proceed to the next business.
 - (xiii) To adjourn the Meeting.
- g. The ruling of the Chair, after consultation with the Clerk on a point of order, or on the admissibility of a personal explanation, shall not be discussed.

CODE OF CONDUCT

20. All councillors shall observe the Code of Conduct adopted by the Council.

NOTICES OF MOTION

21. 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 7 clear days (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 a bank holiday or a day appointed for public thanksgiving or mourning shall not count, before the next meeting of the Council.

- a. The Clerk shall date every notice of motion or recommendation, when received.

- b. The Clerk shall insert in the agenda for every Meeting, all notices of motion or recommendation, properly given, in the order in which it has been received, unless:-
 - i. The Member giving notice of motion has stated, in writing that he/she intends to move at some other meeting.
 - ii. The member withdraws it.
- c. The Clerk shall insert in the agenda for every meeting, provided he has been notified at least 7 clear days in advance of a vacancy on an outside body that the council has a duty to fill by appointment, a motion to appoint as required.
- d. If a resolution, or recommendation specified in the agenda is not moved, it shall (unless postponed by the Council), be treated as withdrawn, and will not be moved without a fresh notice.
- e. If the subject matter of a resolution comes within the province of a Lead Councillor of the Council, it shall, upon being moved or seconded stand referred without discussion to such Lead Councillor for consideration and report back to the next Parish Council meeting.
- f. Every resolution or recommendation shall be relevant to matter over which the Council has power, or which affects its area.
- g. No "Notice of Motion" to rescind any Resolution, which has been passed within the previous six months, can be placed before the Council unless the resolution has been proven to be contrary to the law or an interest that should have been declared was not.

RESOLUTIONS MOVED WITHOUT NOTICE

22. Resolutions dealing with the following matters may be moved without Notice, notwithstanding that contained in Standing Order No 12:-

- (i) To appoint a Chair of the Meeting.
- (ii) To correct the minutes.
- (iii) To approve the minutes.

- (iv) To alter the order of business
- (v) To proceed to the next business
- (vi) To close or adjourn the debate
- (vii) To refer a matter to a Lead Member
- (viii) To appoint new Lead Members
- (ix) To Adopt a report
- (x) To discuss any business related to the council
- (xi) To authorise the sealing of documents
- (xii) To amend a motion
- (xiii) To give leave to withdraw a motion or an amendment
- (xiv) To extend the time limit for speeches
- (xv) To consider, otherwise than in Committee, a question affecting an employee
- (xvi) To exclude the Press.
- (xvii) To exclude the Public.
- (xviii) To silence or eject from the meeting a member named for misconduct
- (xix) To exclude a Member, who considers he/she has a prejudicial interest in the subject under debate.
- (xx) To give consent of the Council where such consent is required by these Standing Orders
- (xxi) **To suspend any standing order except those which are mandatory by law**
- (xxii) To Adjourn the meeting

ALTERATION OF RESOLUTION

23. A Member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTIONS

24. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least seven members of the Council.

24.1. When a special motion or any other motion moved pursuant to the above standing order has been disposed of, no similar motion may be moved within a further 6 months,

QUESTIONS

24.2. A member may ask the Chairman or a Lead Member any question concerning the business of the Council.

24.3. Advance notice of a detailed question should be given to assist in the preparation of the answer; otherwise a written reply may be provided and reported to a later meeting.

24.4. Questions not related to the items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions

VOTING

25. Members shall vote on important matters by show of hands, or

(i) If at least two Members so request, in secret by signed papers.

- (ii) **If a Member so requires, the Clerk shall record the names of Members who voted on any question so as to show whether they voted for or against it.**
- (iii) In the case of minor items a decision can be made if all members are in agreement.

25.1. The presiding Chair shall have the right to an original vote and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.

VOTING ON APPOINTMENTS

26. Where more than two persons have been nominated for any position to be filled by the Council, and there is no absolute majority of votes in favour of one person, the person with the least number of votes will be excluded from the list and a fresh vote taken. This process will be repeated until one person obtains a majority of the votes.

DISCUSSIONS & RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

27. 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 public is excluded.

27.1 If the person who is the subject of such a question be present at a Meeting. The Council may require them to withdraw whilst the matter is under discussion.

INTERESTS

28.If a Member has a personal interest as defined by the Code of Conduct adopted by the Council then he/she shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. This disclosure of an interest shall be recorded in the minutes.

28.1 Members with a pecuniary or prejudicial interest to any item of business being transacted at a meeting may (1) make representations, (2) answer questions and (3) give evidence relating to the business being transacted but must, thereafter, leave the room.

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

28.3 The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

DISORDERLY CONDUCT

29. All Members must observe the National Code of Local Government Conduct, a copy of which is annexed to these Standing Orders.

29.1 No Member shall, at a meeting, persistently disregard the ruling of the Chair, wilfully obstruct business or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute

29.2. If, in the opinion of the Chair, a Member has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any Member may move that the Member named no longer be heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forth with 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.

UNAUTHORISED ACTIVITIES

30. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council inspect any land and/or premises which the Council has a right or duty to inspect; or to issue orders, instructions or directions unless authorised to do so by the Council.

CONFIDENTIAL BUSINESS

31. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

PROPER OFFICER

32. Where a Statute, Regulation or Order confers functions or duties on a Proper Officer of the council this shall be the Clerk for the time being appointed by the Parish.

32.1 The Proper Officer shall sign and serve on councillors to their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.

32.2 Give public notice of time, date, venue and agenda at least 3 clear days before a meeting of the Council.

32.3 Convene a meeting of the full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in this office.

32.4 Receive and retain copies of byelaws made by other local authorities.

32.5 Receive and retain declarations of acceptance of office from councillors.

PLANNING APPLICATIONS

33. As soon as each Planning Application is notified to the Council, the Clerk shall place it on file, in numerical order, together with the information as follows:

- (i) the date on which it was received
- (ii) the name of the applicant
- (iii) the place to which it relates
- (iv) a summary of the nature of the application

COMMON SEAL

34. The Common Seal of the Council shall be kept in a safe place in the custody of the Clerk of the Council and shall be secured by one lock. A copy key shall also be held by the Chairman of the Council, or a designated Councillor in a safe and secure place.

SEALING OF DOCUMENTS

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

35.1 The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of two Members, who shall sign the document as witness.

35.2 A record of every sealing of a document shall be made and numbered consecutively and shall be signed by the person who attested the seal.

INSPECTION OF DOCUMENTS

36 A Member may, for the purpose of his/her duty as such (but not otherwise), inspect any document in the possession of the Council, and if copies are available shall, on request, be supplied for the like purposes with a copy.

36.1 All minutes kept by the council shall be open for the inspection of any Member of the Council, or member of the public, during office hours, with reasonable prior notice having been given.

36.2 Photocopies requested by the public shall be charged for at the current charge made by the Council as set out in its Publication Scheme in accordance with the Freedom of Information Act, together with such administrative charge as is appropriate and reasonable.

LIAISON WITH BOROUGH COUNCILLORS

37. A copy of the notice of a Parish Council Meeting together with the appropriate minutes shall be sent for the information of the Borough Councillor for the Ward.

FINANCIAL MATTERS

38. The Financial affairs of the Parish Council shall be governed by the “Financial Regulations”.

38.1 The responsible Financial Officer shall be the Clerk for the time being appointed by the Parish Council.

VARIATION, REVOCATION, AND SUSPENDING OF STANDING ORDERS

39. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

39.1. A motion to permanently add to or to vary or revoke one or more of the Council’s standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

STANDING ORDERS TO BE GIVEN TO MEMBERS

40. A printed copy of these Standing Orders shall be given to each Member of the Council by the Clerk upon delivery of the Members declaration of acceptance of Office and written undertaking to observe the Code of Conduct adopted by the Council, or whenever a revision by the Council is carried out.