



**Standing Orders**

**for**

**Thornton Parish Council**

**Reviewed: 6<sup>th</sup> October 2021**

## **1. Meetings**

1.1. Meetings will normally take place at St William of York Parish Centre, Edge Lane, Thornton, L23 4UL. In determining the location of the meeting consideration has been given to the Local Government Act 1972, Schedule 12, Paragraph 10(1) which states: *'Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act) unless no other suitable room is available either free of charge or at a reasonable cost.'*

1.2. Notice of a meeting to councillors and to the public will be given 3 clear days before the day of the meeting. Meetings will normally be held on the first Wednesday of each month and set at the previous Council meeting. The annual meeting of the Council shall be held in May.

1.3. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which a notice is 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.

1.4. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

1.5. Subject to standing order 1.4 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.

1.6. Public participation is a period of time that is designated for receipt of public comments in accordance with standing order 1.5 above that is at the Chairman's discretion and will not normally exceed 20 minutes.

1.7. Subject to standing order 1.5 above, each member of the public is entitled to speak once on any subject deemed by the Chairman to be acceptable and relevant to the Council and this shall be limited to 5 minutes at the Chairman's discretion.

1.8. In accordance with standing order 1.5 above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. 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 the Clerk for a written or oral response.

1.9. A record of a public participation session shall be included in the minutes of that meeting.

1.10. A person shall raise his/her hand when requesting to speak and await the direction of the Chairman before speaking.

1.11. Any person speaking at a meeting shall address their comments to the Chairman.

1.12. 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.

1.13. If a member of the public interrupts the proceeding of a meeting by failing to adhere to the standing orders set out that person may, after warning, be asked to leave the meeting and/or be removed from the meeting in accordance with the Council's Disruption at Meetings Policy.

1.14. In accordance with standing order 1.4 above, 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.

1.15. 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 Deputy Chairman.

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

1.17. Subject to standing order 1.24 below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

1.18. 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 an original vote.

1.19. Voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

1.20. The minutes of a meeting shall record the names of councillors present.

1.21. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

1.22. 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.

1.23. 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 3.

1.24. 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.

1.25. Meetings shall not exceed a period of 2 hours.

## **2. Ordinary Council Meetings**

2.1. The election of the Chairman and Deputy Chairman of the Council shall be the first business completed at the annual meeting of the Council.

2.2. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.

2.3. The Deputy Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

2.4. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

2.5. 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.

## **3. Proper Officer**

3.1. The Council's Proper Officer shall be the clerk or such other employee as may be nominated by the Council from time to time or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

3.2. The Council's Proper Officer shall do the following.

3.2.1. Sign and serve on councillors by delivery or post at their residences or by electronic mail as agreed by members of the council, a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.

3.2.2. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

3.2.3. 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 order 3.2.1 above.

3.2.4. Make available for inspection the minutes of meetings.

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

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

- 3.2.7. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 3.2.8. Keep proper records required before and after meetings;
- 3.2.9. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- 3.2.10. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 3.2.11. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- 3.2.12. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- 3.2.13. 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.
- 3.2.14. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- 3.2.15. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **4. Motions requiring written notice**

- 4.1. No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 5 clear days before the next meeting.
- 4.2. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.3. If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 above 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 5 clear days before the meeting.
- 4.4. 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 have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- 4.5. Having consulted the Chairman or councillors pursuant to standing order 4.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 4.6. 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.

#### **5. Motions not requiring written notice**

- 5.1. Motions in respect of the following matters may be moved without written notice.
  - 5.1.1. To appoint a person to preside at a meeting.
  - 5.1.2. To approve the absences of councillors.
  - 5.1.3. To approve the accuracy of the minutes of the previous meeting.
  - 5.1.4. To correct an inaccuracy in the minutes of the previous meeting.
  - 5.1.5. To dispose of business, if any, remaining from the last meeting.
  - 5.1.6. To alter the order of business on the agenda for reasons of urgency or expedience.
  - 5.1.7. To proceed to the next business on the agenda.
  - 5.1.8. To close or adjourn debate.
  - 5.1.9. To refer by formal delegation a matter to a sub-committee or an employee.
  - 5.1.10. To appoint a sub-committee or any councillors (including substitutes)thereto.
  - 5.1.11. To receive nominations to a sub-committee.
  - 5.1.12. To dissolve a sub-committee.
  - 5.1.13. To note the minutes of a meeting of a sub-committee.
  - 5.1.14. To consider a report and/or recommendations made by a sub- committee, employee,

professional advisor, expert or consultant.

5.1.15. To authorise legal deeds to be signed by two councillors and witnessed.

5.1.16. To authorise the payment of monies.

5.1.17. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.

5.1.18. To extend the time limit for speeches.

5.1.19. To exclude the press and public for all or part of a meeting.

5.1.20. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

5.1.21. To give the consent of the Council if such consent is required by standing orders.

5.1.22. To suspend any standing order except those which are mandatory by law.

5.1.23. To adjourn the meeting.

5.1.23.1. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

5.1.23.1 To answer questions from councillors.

## **6. Rules of debate**

6.1. 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.

6.2. Subject to standing order 4 above, a motion shall not be considered unless it has been proposed and seconded.

6.3. A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

6.4. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been 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.

6.5. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

6.6. Any amendment to a motion shall be either:

6.6.1. to leave out words;

6.6.2. to add words;

6.6.3. to leave out words and add other words.

6.7. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

6.8. Subject to Standing Order 6.6 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

6.9. Pursuant to standing order 6.6 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

6.10. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

6.11. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.12. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.

6.13. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

6.14. Subject to standing orders 6.12 and 6.13 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make

a point of order or to give a personal explanation.

6.15. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. 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.

6.16. A point of order shall be decided by the Chairman and his decision shall be final.

6.17. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

6.18. Subject to standing order 6.14 above, when a councillor's motion is under debate no other motion shall be moved except:

6.18.1. to amend the motion;

6.18.2. to proceed to the next business;

6.18.3. to adjourn the debate;

6.18.4. to put the motion to a vote;

6.18.5. to ask a person to be silent or for him to leave the meeting;

6.18.6. to refer a motion to a committee or sub-committee for consideration;

6.18.7. to exclude the public and press;

6.18.8. to adjourn the meeting;

6.18.9. to suspend any standing order, except those which are mandatory.

6.19. In respect of standing order 6.18.4 above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7. Code of conduct**

7.1. All councillors shall observe the code of conduct adopted by the Council.

7.2. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

## **8. Questions**

8.1. A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days notice of the question has been given to the Proper Officer.

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

8.3. Every question shall be put and answered without discussion.

## **9. Minutes**

9.1. If a copy of the 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.

9.2. No discussion of the minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5.1.5 above.

9.3. 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.

9.4. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."

9.5. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

#### **10. Disorderly conduct**

10.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

10.2. If, in the opinion of the Chairman, there has been a breach of standing order 10.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

10.3. If a resolution made in accordance with standing order 10.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

#### **11. Rescission of previous resolutions**

11.1. 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 2 councillors of the Council.

11.2. When a special motion or any other motion moved pursuant to standing order 11.1 above has been disposed of, no similar motion may be moved within a further 6 months.

#### **12. Voting on appointments**

12.1. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

#### **13. Expenditure**

13.1. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations. The financial regulations shall be reviewed annually

13.2. 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.

#### **14. Execution of legal deeds**

14.1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution. In accordance with a resolution made under this standing order, 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 signatures.

#### **15. Committees and working groups**

15.1. The Council may, at its annual meeting, appoint committees and working groups and may at any other time appoint such other committees or working groups as may be necessary, and:

15.1.1. shall determine their terms of reference;

15.1.2. may permit committees and working groups to determine the dates of their meetings;

15.1.3. shall appoint and determine the term of office of councillor or non-councillor members of such a committee or working group (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;

15.1.4. may appoint substitute councillors to a committee or working group whose role is to replace ordinary councillors at a meeting if ordinary councillors of the committee or working group have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend;

15.1.5. an ordinary member of a committee or working group who has been replaced at a meeting by a substitute member (in accordance with standing order 15.1.4 above) shall not be permitted to

participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;

15.1.6. may in accordance with standing orders, dissolve a committee or working group at any time.

#### **16. Extraordinary and special meetings**

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

16.2. 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 giving the time, venue and agenda for such a meeting must be signed by the two councillors.

16.3. The Proper Officer may convene a special meeting of the Council at any time.

#### **17. Accounts and financial statement**

17.1. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

17.2. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. 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 30 June.

#### **18. Estimates/precepts**

18.1 The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

#### **19. Canvassing of and recommendations by councillors**

19.1. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment.

19.2. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

19.3. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### **20. Inspection of documents**

20.1. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose. The minutes of meetings of the Council shall be available for inspection by councillors.

#### **21. Unauthorised activities**

21.1. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council:

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

21.1.2. issue orders, instructions or directions.

#### **22. Confidential business**

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



### **23. Power of well-being**

23.1. Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

### **24. Freedom of Information Act 2000**

24.1. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

### **25. Relations with the press/media**

25.1. All requests from the press or other media for an oral or written statement or comment from the Council shall be directed to the Proper Officer.

25.2. Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

### **26. Liaison with Ward Councillors**

26.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of Sefton MBC representing its electoral ward where it has been specifically resolved by Council to do so.

### **27. Financial matters**

27.1. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

27.1.1. the accounting records and systems of internal control;

27.1.2. the assessment and management of financial risks faced by the Council;

27.1.3. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;

27.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;

27.1.5. procurement policies

### **28. Allegations of breaches of the code of conduct**

28.1. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Monitoring Officer of Sefton MBC.

28.2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.

28.3. References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor. The subject matter of notifications shall be confidential

### **29. Variation, revocation and suspension of standing orders**

29.1. 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.

29.2. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 2 councillors.

### **30. Standing orders to be given to councillors**

30.1. Councillors are referred to the standing orders on the Council's website and requested to review the same upon delivery of their declaration of acceptance of office.

30.2. The Chairman's decision as to the application of standing orders at meetings shall be final.

30.3. A councillor's failure to observe standing orders more than 3 times in one meeting may result

in him being excluded from the meeting in accordance with standing orders.

**31. Media**

31.1. Any member of the public may take photographs, film and audio record the proceedings of any open meeting of the Council, subject to any applicable safeguarding issues.

31.2. If the Council resolves to exclude the press and public from the meeting then all recording or use of photographic equipment will cease.

31.3. Any liability arising from the publication or sharing of any such recordings is entirely the responsibility of the person recording the meeting.