

Hatherton and Walgherton Parish Council

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Bold denotes legislative requirement.

1 Meetings

- a 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 When calculating the 3 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.
- c 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.
- d Subject to standing order 1(c) 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.
- e The period of time is at the Chairman's discretion.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda.
- g In accordance with standing order 1(d) 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.
- h In accordance with standing order 1(g) above, 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 a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j A person shall raise a hand when requesting to speak.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l 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.
- m **Subject to standing order 3(n), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- n A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- o In accordance with standing order 1(c) 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.
- p 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 there is one).
- q 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.
- r Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.
- s 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 the Chairman's casting vote whether or not the Chairman gave an original vote.
- t Unless standing orders provide otherwise, 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 or her vote for or against that question. At the request of a Councillor, the individual vote may be recorded.
- u The minutes of a meeting shall record the names of councillors present.

- v If prior to a meeting, a Councillor has submitted reasons for absence from the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- w **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- x **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on the right to participate and vote on that matter**
- y **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.**
- z **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

2 Ordinary Council meetings

See also standing order 1 above

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The election of the Chairman and Vice-Chairman of the Council (if there is one) shall be the first business completed at the annual meeting of the Council.**
- f **The Chairman of the Council, unless this person has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until the successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, if any, unless this person 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.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, that person 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.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, that person shall preside at the meeting until a new Chairman of the Council has been elected. The current Chairman 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

- a 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.
- b The Council's Proper Officer shall do the following:
 - i. 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 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office, in accordance with**

standing order 3(b)i above.

- iv. Make available for inspection the minutes of meetings.
- v. **Receive and retain copies of byelaws made by other local authorities**, that apply to our parish.
- vi. **Receive and retain declarations of acceptance of office from councillors.**
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings.
- ix. 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.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiii. 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.
- xiv. Take action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xv. Respond to planning applications following consideration by the Council, or between meetings, following consultation with the appropriate Councillors.
- xvi. Provide new councillors a copy of the Council's standing orders as soon as possible.

4 Rules of debate

- a 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.
- b 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.
- c A Councillor may move amendments to the Councillor's own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- d Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- e A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- f 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.
- g If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- h 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.
- i The mover of a motion or the mover of an amendment shall have a right of reply.
- j 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.
- k 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 is considered to have been breached or will specify the irregularity in the meeting that the Councillor is concerned by.
- l A point of order shall be decided by the Chairman and the Chairman's decision shall be final.
- m 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.

- n When a Councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- o In respect of standing order 4(n)(iv) 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 the 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.

5 Code of conduct (England)

- a All Councillors shall observe the Code of Conduct adopted by the Council.
- b Councillors with a disclosable pecuniary interest must leave the room during the relevant item of business, unless permitted to remain following the grant of a dispensation.
- c Following a written request to the Proper Officer of the Council, the Council may grant a Councillor a dispensation to participate in a discussion and / or vote on a matter at the meeting even if the Councillor has any form of interest (disclosable pecuniary or non-pecuniary) if the Council believes that -
 - 1. the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - 2. it is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - 3. it is otherwise appropriate to grant a dispensation.

The grant of a dispensation will be considered at a Council meeting and any dispensation may permit the Councillor to speak, or to speak and vote. A Parish Council can reserve decisions to grant a dispensation for its full Council or it can delegate authority to a Committee or to its Clerk
- d Allegations of breaches of the Code of Conduct will be considered by Cheshire East Borough Council, in accordance with its policy.

6 Minutes

- a 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.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- c 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.
- d 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.

7 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 7(a) 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.
- c If a resolution made in accordance with standing order 7(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or may adjourn the meeting.

8 Voting on appointments

- a 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.

9 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **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.**

10 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 10(a) above, 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.**

11 Committees and Sub Committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee at any time.

12 Extraordinary meetings

See also standing order 1 above

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not 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.**
- c The Chairman of a committee may convene an extraordinary meeting of the committee or sub-committee at any time.

13 Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

14 Urgent Business

- a In the event that a decision is required between Council meetings, the Clerk, in consultation with the Chairman and Vice-Chairman of the Council, shall be authorised to make the decision on behalf of the Council. The Clerk shall report on any urgent decisions at the next Council meeting.

15 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed annually.
- b A Financial Statement prepared on the appropriate accounting basis (receipts and payments) 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.

16 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

17 Canvassing of and recommendations by councillors

- a 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. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a 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.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

18 Inspection of documents

- a 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 or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

19 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

20 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 20(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

21 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b The Chairman of the Council or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Parish Clerk and shall keep a written record of it.
- c Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- d The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- e Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- f Only persons with line management responsibilities shall have access to employee records.

22 Freedom of Information Act 2000

- a 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.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests

23 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

24 Liaison with Borough Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Borough Council representing its electoral ward.

25 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.

26 Variation, revocation and suspension of standing orders

- a 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.
- b A motion to permanently add to or to vary or to 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.

27 Planning matters

- a Responses to planning applications are normally made at Full Parish Council meetings
- b If response is required before the next scheduled Parish Council Meeting, a planning committee comprising no fewer than three Councillors formulates the Council's response.
- c At the discretion of the committee chairman, it may also sit at any time there are several

- complex applications requiring a response.
- d All planning applications are to be circulated to all Councillors who may provide comment to the planning committee or Full Council.
 - e Planning Committee's responses are circulated to all councillors, requesting confirmation of their agreement before forwarding to Cheshire East Planning.

Adopted: 22 May 2012
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