



Standing Orders for Shinfield Parish Council

5 May 2017



Review date: June 2018

Shinfield Parish Council Standing Orders

Standing orders for the organisation and transaction of Councils' business are decided by full Council. A committee or sub-committee may decide its own standing orders if its appointing body (which is the Council in the case of a committee or a committee in the case of a sub-committee) has not made standing orders which apply to them.

The standing orders in **bold type** reflect statutory requirements. If a Council wants to slightly alter the wording of the model standing orders in bold type, any such amendments must not have the effect of undermining, overriding or conflicting with statutory requirements.

Standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at (i) highlighting matters that merit regulation by standing orders and (ii) encouraging use of standing orders to regulate routine administrative arrangements. They may be adapted in their current form but are more likely to require adapting or supplementing to suit a Council's particular needs. The council should not adopt standing orders which undermine, override or conflict with any requirements imposed by legislation. Some standing orders indicate by use of the term 'OR' that an alternative option may apply.

Any reference in the standing orders to financial regulations is a reference to the Council's standing orders for the regulation of its financial affairs.

References to he, his or him are made for ease of use by the reader and also mean he or she, his or hers and him or her in recognition that serving councillors and staff may be either gender.

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1 Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee 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 the 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 which is designated for public participation in accordance with standing order 1(d) above shall not exceed 30 minutes, 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 and shall not speak for more than 10 minutes.

- 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 Any person speaking at a meeting shall address his comments to the Chairman.

j 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.

• k **Audio and visual recordings of a meeting of the council, committees and other council
• bodies by the general public, or the media, is permitted. However, the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.**

• l **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.**

• m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before Vice-Chairman of the Council (if any).**

• n **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.**

- o All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- p The Chairman of a meeting 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. (*See also standing orders 2 (i) and (j) below.*)
- q 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 vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- r The minutes of a meeting shall include an accurate record of the following:
 - i. The time and place of the meeting;
 - ii. The names of councillors present and absent;
 - iii. Interests that have been declared by councillors and non-councillors with voting rights;
 - iv. Whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. If there was a public participation session; and
 - vi. The resolutions made.
- s If prior to a meeting a Councillor has submitted reasons for his absence at 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.
- t All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council. **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- u **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 his right to participate and vote on that matter. (See Standing Order 7: Code of Conduct and dispensations).** Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is

considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required. A decision as to whether to grant a dispensation shall be made by the Proper Officer or by a meeting of the council or committee or sub-committee for which the dispensation is required, and that decision is final.

- v **No business may be transacted at a meeting of full Council 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. There should be no less than three members appointed to a committee. The quorum of a committee should also be three**
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- w **If no quorum exists when the meeting begins or if during a meeting the number of councillors present and not debarred by reason of a prejudicial declared interest falls below the quorum, no business shall be transacted and the meeting shall be adjourned.** The business not transacted at that meeting shall be transacted at the next meeting or on such other as the Chairman may fix.
- x Subject to standing orders which indicate otherwise, short reports may be submitted with meeting agendas to support the furtherance of council business. Late reports will be permitted only by exception and with the agreement of the Chairman.
- y Meetings shall not exceed a period of 2.5 hours. If a meeting continues to 22.00 pm the Chairman shall at this time propose the motion "That this meeting continue". The motion must be seconded and a vote shall be taken without discussion. If any meeting is adjourned before its business has finished, the meeting shall stand adjourned until its next ordinary meeting or a date to be determined by the Chairman or in his absence the Vice-Chairman.

2 Ordinary Council meetings

- 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 directs.**
- e **The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.** The selection of Chairman and Vice-Chairman shall be open to all members of the Council and any member seeking election shall be barred from chairing the meeting or in the counting of votes. Nominations for the position of Chairman and Vice-Chairman should be submitted in writing at least three clear working days before the annual meeting of the Council. Ballot papers shall be distributed immediately prior to the vote. Selection of a nominee as the Chairman or Vice-Chairman shall take place by secret ballot.
- f **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.**
- g **The Vice-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. The role of the Vice-Chairman is to support the Chairman in dealing with the Council's business; chair Council meetings in the absence of the Chairman; and represent the Council in the absence of the Chairman (or at the Chairman's discretion unless another member has been nominated by Council.);**
- h **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.

- i. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
- i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review of the terms of references for committees.
 - v. Receipt of nominations to existing committees.
 - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii. Review of representation on or work with external bodies and arrangements for reporting back.
 - viii. Review of the Council's memberships of other bodies.
 - ix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

Attendance

- k. Subject to the provisions of section 85 of the Local Government Act 1972, if the Chairman is unable to continue in office, for example, on the grounds of ill-health, then a new Chairman may be elected.
- l. Every Member of the Council attending a meeting of the Council, or any of its Committees, Sub-Committees, or Working Parties of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose. Apologies and reasons for not attending meetings must be notified in advance of the meeting, with an explanation, and must be accepted by Council, Committee, Sub-Committee or Working Party as appropriate.

Committees

- m. Each committee shall have a Chairman and Vice-Chairman. The chairman and vice-chairman of a committee are normally elected at the first meeting of the committee after

the Annual Meeting. The role of the vice-chairman of a committee is to support the chairman of the committee in dealing with the committee's business; chair committee meetings in the absence of the chairman; and represent the committee in the absence of the committee chairman.

- n. If a Member fails for three consecutive ordinary meetings to attend a meeting of a Committee, he shall be given an opportunity of making an explanation. Unless the explanation is accepted by the Committee he or she shall cease forthwith to be a member of that Committee. However, this Standing Order shall not apply to a member whose absence is due to attendance at a meeting of some other body or organisation to which he/she has been appointed as the Council's accredited representative.
- o. Following a period of three months absence from the Council or Committee, if the Chairman or Vice-Chairman, or any Member of the Council or Committee is likely to be incapacitated for a further period, it is anticipated they will stand down from office to allow the Council to continue its business.

3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) 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. Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting 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 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. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his withdrawal of it.

 - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**

 - v. Make available for inspection the minutes of meetings.

 - vi. **Receive and retain copies of byelaws made by other local authorities.**

 - vii. **Receive and retain declarations of acceptance of office from councillors.**

 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

 - ix. Keep proper records required before and after meetings;

 - x. 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.

 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. 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.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the Planning and Highways Committee within 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 OR the Planning and Highways committee.
- xvii. Manage access to information about the council via the publication scheme; and
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b) (iii) above, 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 7 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 7 clear days before the meeting.
- d 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.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h 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

- a Motions in respect of the following matters may be moved without written notice to the Proper Officer:
- i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds signed by two councillors and witnessed.
 - xvii. To authorise the payment of monies in accordance with the Council's Financial Regulations.
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it?
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

xxvi. To answer questions from councillors.

- b 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.

6 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 Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d 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.
- e 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.
- f 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.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h 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.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l 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.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 10 minutes.
- n 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.
- o Subject to standing orders 6(m) and (n) 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.
- p 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.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r 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.
- s Subject to standing order 6(o) above, 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 for him 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.

- t In respect of standing order 6(s) (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 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.

- u Excluding motions moved under Standing Order 1(s) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 10 minutes without the consent of the chairman of the meeting.

7 Code of conduct and dispensations

- a **All councillors shall observe the code of conduct adopted by the Council.**
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
- ii. granting the dispensation is in the interests of persons living in the council's area or**
- iii. it is otherwise appropriate to grant a dispensation.**

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days' notice of the question has been given to the Proper Officer.
- b 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.
- c Every question shall be put and answered without discussion.

9 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 a scheduled meeting they shall be taken as unadopted until agreed by the relevant committee.
- b No discussion of the draft 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(a) (iv) above.
- 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 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.”
- e 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.
- f At a meeting of committees and sub-committees and immediately after the minutes have been agreed, the officer servicing the meeting shall report on the actions taken to implement decision previously made by the committee or sub-committee. The chairman shall allow a maximum of 15 minutes for discussion of this item.
- g Minutes of a meeting will remain draft and not adopted until presented to the next meeting of the committee or sub-committee for approval as a true and correct record.

10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

- b If, in the opinion of the Chairman, there has been a breach of standing order 10(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 forth with and without discussion.

- c If a resolution made in accordance with standing order 10(b) 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

- a 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 two councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12 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.

13 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 by the Finance and General Purposes Committee.
- 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.

14 Execution and sealing of legal deeds

See also standing order 5(a) (xvi) above

- 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 14(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.**

15 Committees

- a 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 number, date and times 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 of full council;
 - iv. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - v. shall appoint and determine the terms of office of members of such a committee;
 - vi. may appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee; an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) 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;
 - xi. may in accordance with standing orders, dissolve a committee at any time;

- 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 For 2016-17 the standing committees of the council are as follows:
 - i. Communications and Policies Committee

- ii. Finance and General Purposes Committee
 - Grants working party
 - iii. Staffing Committee
 - iv. Planning and Highways Committee;
 - v. Recreation and Amenities Committee; and
 - vi. Development Board.
- d. The terms of reference for the standing committees are attached as appendix 1 to these standing orders.
- e. The Vice-Chairman of the Council should chair the Finance and General Purposes Committee and also the Staffing Committee. The Chairman of the Council will not be a member of the Staffing Committee.
- f. In order to demonstrate the Council as a good employer, members of the Staffing Committee should have relevant current experience in employment law and best practice, or be prepared to attend appropriate training agreed by the Staffing Committee.
- g.h. It is expected that all Members of the Council will take an active role in the Council's activities and sit on a least two Committees.

16 Sub-committees

Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee from within its membership whose terms of reference shall be determined by resolution of the committee.

17 Extraordinary meetings

- 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 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.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

18 Advisory committees

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees may consist wholly of persons who are non-councillors.
- c An advisory committee may be appointed to advise the council on matters relating to the performance of its statutory functions, powers and related responsibilities. An advisory committee does not make decisions about the performance of the statutory functions and powers of the council, including financial matters. Its role is to research or investigate, consider and report to the council on them.

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 at least annually.
- b 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.

19 Estimates/precepts

- a **The Council shall approve its budget for the coming financial year at a meeting before the end of January.**
- b Prior to the Council's annual budget setting meeting, any estimates for projects must be made available to the Finance and General Purposes Committee prior to the Council's first budget preparation meeting for the coming financial year. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the project and the expenditure recommended for the coming year no later than the end of November, accompanied by a justification.

20 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 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.

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

21 Inspection of documents

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.

22 Unauthorised activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee issue orders, instructions or directions.

23 Confidential business

- a **In accordance with s. 1(2) Public Bodies (Admission to Meetings) Act 1960 the public may not be excluded from council meetings unless there are special reasons to justify such exclusion.** The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or sub-committee by a resolution of the Council.

24 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Staffing Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Staffing Committee or, in his absence, the Vice-Chairman of the Finance and General Purposes committee of any absence occasioned by illness or urgency and that person shall report such absence to the Staffing Committee at its next meeting.
- c The chairman of the Staffing Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Finance and General Purposes committee and the Staffing Committee.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman of the Staffing Committee or in his absence, the vice-chairman of the Finance and General Purposes committee or the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance and General Purposes Committee. In the event of a dispute the Chairman of the Council will act as independent arbiter.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the chairman or vice-chairman of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by resolution of a Committee formed for this purpose. In the event of a dispute the Chairman of the Council will act as independent arbiter.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g 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.

- h 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.
- i 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.
- j Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to Clerk and/or the Chairman of the Council or the Chairman of the Finance and General Purposes committee or the Chairman of the Staffing Committee.

25 Requests for information

- a 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 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Communications and Policies committee. 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 set out under Standing Order 3(b) (x) above.

26 Relations with the press/media

- a For the time being 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 under the delegated powers of the Communications and Policies Committee.
- 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.

28 Recording and reporting of proceedings by the media and general public

- a Council, committee and sub-committee meetings must generally be open to the public. Members of the public have the right to record council meetings held in public. In accordance with the Openness and Local Government Bodies Regulations 2014 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.
- b 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

- c 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 - Obligations

- d Any member of the public, or of the media, wishing to photograph or record a meeting should comply with the following:
 - i. 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;
 - ii. 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;

- iii. 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;
- iv. 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;
- v. 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;
- vi. any request made by the Chair regarding respecting the public's right to privacy is complied with;
- vii. 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.
- viii. 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;
- ix. photographs, 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.

A notice is displayed in the room advising the public that meetings can be recorded legally. The Chair will also make an announcement that the meeting will be photographed and /or recorded or filmed. The Council may, on occasion, audio record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect.

Audio and Visual Recording – Rights of the Public

If a member of the public does not wish to be photographed, filmed or recorded they should 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.

e 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 Mrs. S. E Roberts, Clerk to Shinfield Parish Council, School Green, Shinfield RG2 9EH.

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

- i. which meeting the request refers to;
- ii. the name, organisation (if applicable) and contact details of the person making the request;
- iii. what equipment it is intended will be used (to determine what facilities might be required);
- iv. 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.

29 Liaison with Wokingham Borough Councillors

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

- b Unless the Council otherwise orders, a copy of each letter sent to Wokingham Borough Council shall be sent to the Wokingham Borough Councillor representing its electoral ward.

30 Financial matters

- a 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:
- i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the 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 of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures. In accordance with the Public Contracts Regulations 2015/102 ("the 2015 Regulations") which repealed the Public Contracts Regulations 2006/5 ("the 2006 Regulations"), the procurement and award of contracts covered by the 2015 Regulations which have an estimated value of £25,000 or more must satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder website. The 2015 Regulations apply when (a) the Council is procuring a public works, public service or public supply contract with an estimated value of £25,000 or more and (b) the Council is procuring a public works contract with an estimated value of £4,322,012 or more or (ii) a public service or public supply contract with an estimated value of £172,514 or more.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below. The requirements of the 2015 Regulations must be observed – see note above.
- c Any formal tender process shall comprise the following steps in accordance with the stated Financial Regulations:
- i. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - ii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iii. 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;
 - iv. tenders are then to be assessed and reported to the appropriate meeting of

Council or Committee.

- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) 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. Note: These Standing Orders reflect the relevant thresholds in the 2015 Regulations (which may vary from time to time)

31 Allegations of breaches of the Members' code of conduct

- a On receipt of a notification that there has been an alleged breach of the members' code of conduct the Proper Officer shall refer it to a committee known as the Finance and General Purposes committee or other committee established for this purpose.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Finance and General Purposes committee or the Chairman of a committee established for this purpose 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.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Finance and General Purposes committee shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.

- iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Finance and General Purposes committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Finance and General Purposes committee shall have the power to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 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.
- h Upon notification by the Borough Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

32 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 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 to be given to the Proper Officer in accordance with standing order 4 above.

33 Miscellaneous Provisions

33.1 Chairman's Allowance

- a. The Council will pay the Chairman a reasonable allowance to enable him/her to meet the expenses of his/her office. The amount should be fixed by the Council in advance, and represent reasonable reimbursement to the Chairman for the general duties of his office, for example: communicating with the Clerk and other Council employees, travel within the Parish, attending events and meetings in his public figure role to represent the Council, entertainment in the course of Council business, etc.
- b. The Chairman's Allowance will be paid in quarterly instalments, and will be in addition to the Council's Travel and Subsistence policy for Members.
- c. The spending of the Chairman's allowance is not usually subject to annual audit and, unless the Council otherwise directs, it may be spent or used at the Chairman's discretion and without his/her having to account for it to the Council.
- d. The Chairman's Allowance will be reviewed annually.

33.2 Member Training/Continuous Professional Development

Continuous Professional Development and training is compulsory for all Members of the Council, to include attendance at "New Councillor Training". A register will be kept to record all training events undertaken by councillors in any one year.

33.3 Co-option of Councillors

- a. For the election and co-option of Councillors, the standard rules apply in accordance with current legislation governing the election of councillors, casual vacancies and co-option of suitable persons, where appropriate. In accordance with s.87(2) of the Local Government Act 1972 the Council will give public notice of casual vacancies. The public notice will invite applications from candidates who satisfy the eligibility criteria for being a councillor.

- b A person is eligible to be co-opted provided he is qualified to be a councillor pursuant to s. 79 of the 1972 Act and is not disqualified pursuant to s.80 of the 1972 Act. A council may need to investigate or obtain evidence about a candidate's eligibility to be a councillor if this is challenged.
- c Where applicable, prior to commencement of the co-option procedure, interested parties qualified to serve as a councillor should first complete a self-certification confirming he/she meets the statutory requirements to be a member of a local council, and personal profile for consideration by Council, and be available for interview with the Chairman and/or other members at a mutually convenient date and time. It is anticipated that interested parties will attend a number of council meetings before seeking office, suggested to be at least two. The Council will need to consider fairly if candidates are suitable for co-option. Candidates may be assessed by whether or not they meet the criteria in a person specification agreed by the council.
- d The decisions made by a local council about (i) whether or not to co-opt when vacancies remain unfilled after an ordinary election and (ii) who to co-opt when vacancies remain unfilled after an ordinary election and when casual vacancies arise should be transparent. There may be special reasons for excluding the public during a council meeting under (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when the council is making decisions about a matter of public interest such as co-option. However, these must be defined, and decisions about co-option which are made at council meetings when the public have been excluded will not eliminate the need for a council to explain, for example to unsuccessful candidates, the reasons for its decisions.

33.4 General Power of Competence

Subject to any statutory prohibitions, restrictions and limitations, and provided it meets the eligibility criteria, the Council will seek to exercise the General Power of Competence as defined in the 2011 Localism Act.

34 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c 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.

Shinfield Parish Council