

# Gwennap Parish Council

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## STANDING ORDERS (MAY 2017)

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### Meetings and timing thereof

1. (a) Meetings of the Council shall be held at one of the recognised meeting places within the Parish of Gwennap at Seven o'clock in the evening unless the Council otherwise decides at a previous meeting.  
  
(b) Smoking is not permitted at any meeting of the Council.
2. The Statutory Annual Meeting (a) in an election year shall be held on the Thursday next following the fourth day after the ordinary day of elections to the Council and (b) in any year which is not an election year shall be held on the third Thursday in May.
3. The three other statutory meetings shall be held on the third Thursday in each of the months of February August and November.
4. Eight additional meetings shall be held on the third Thursday of January March April June July September October and December.
5. Except as hereinafter provided no Meeting shall extend beyond 10 p.m. and the Chairman shall as near as reasonably practicable to this time (but in any case not before any subject under discussion at that time has been concluded) suspend the Meeting. The Council will then consider which (if any) agenda items can be deferred. Any item which cannot be deferred (and in this respect the decision of the Chairman shall be final) will then be discussed. After which the meeting will be closed. The remaining items will then be deferred to an additional Meeting to take place at a time and place to be agreed but in any case within seven days.
6. The code of conduct adopted by the Council shall apply to councillors and members of the public co opted to serve on Committees and Sub Committees of the Council in respect of the entire meeting.
7. All interests arising from the Code Of Conduct adopted by the Council, will be recorded in the minutes giving the existence and nature of the interest. (See also standing orders 8 and 9 below.)

### Chairman of the Meeting

8. The person presiding at a meeting may exercise all the powers of the Chairman in relation to the conduct of the meeting.

### Proper Officer

9. Where a statute, regulation or order confers functions on the Proper Officer of the Council in the following cases that Proper Officer shall be the Clerk:-
  - (a) To receive declarations of acceptance of office
  - (b) To receive and record notices disclosing Member's personal interests
  - (c) To receive and retain plans and documents
  - (d) To sign notices or other documents on behalf of the Council
  - (e) To receive copies of bylaws made by Cornwall Council
  - (f) To certify copies of bylaws made by the Council
  - (g) To sign summonses to attend meetings of the Council

### Quorum

10. Three members of the Council shall constitute a quorum.

11. If a quorum is not present when the Council meets or if during a meeting of the Council the number of members present and not debarred by reason of a declared pecuniary interest falls below the quorum the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may reasonably fix.

## **Voting**

12. Members shall vote by a show of hands or if at least two members so request by signed ballot.
13. If a member so requires the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against.
14. (1) Subject to (2) and (3) the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may give a casting vote even though he gave no original vote.  
  
(2) If the person presiding at an annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election of a Chairman.  
  
(3) The person presiding must give a casting vote whenever there is an equality of votes in the election of a Chairman.

## **Order of Business**

*In an election year councillors should execute Declarations of Office in each other's presence or in the presence of the Proper Officer previously authorised by the Council to take such declaration **before** the annual meeting commences.*

15. At each Annual meeting the first business shall be:
  - (a) To elect a Chairman
  - (b) To receive the Chairman's declaration of acceptance of office or, if not received, to decide when it shall be received
  - (c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
  - (d) To decide when any declarations of acceptance of office which shall not have been received as provided by law shall be received
  - (e) To elect a Vice-Chairmanand thereafter shall follow the order set out in Standing Order 18
16. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made or if not received to decide when they shall be received.
17. In every year not later than the meeting at which the annual precept be agreed by the Council the Council shall review the pay and conditions of service of the Clerk and any other direct employee of the Council.
18. After the first business has been completed the order of business, unless the Council decides otherwise, shall be:-
  - (a) An open session not exceeding thirty minutes at which parishioners of the Parish of Gwennap shall be at liberty to ask questions of the Council on matters within the public domain and to suggest to the Council matters which it might wish to consider (*no matters arising at this point may be the subject of any resolution to be put to the vote at that meeting but may, at the discretion of the Council be included in the Agenda for the following or some subsequent meeting*).
  - (b) To read and consider the Minutes provided that if a copy thereof has been circulated to each member not later than the day of the issue of the summons to attend the meeting the Minutes shall be taken as read.
  - (c) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - (d) To deal with business expressly required by statute to be done.
  - (e) To dispose of business (if any) remaining from the last meeting.
  - (f) To answer questions from Councillors.
  - (g) To receive and consider reports from officers of the Council.
  - (h) To authorise the sealing of any documents.
  - (i) To authorise the signing of any orders for payment.
  - (j) To consider resolutions or recommendations in the order in which they have been notified.

- (k) Any other business notified on the summons (*As business to be transacted must **by law be specified on the summons** no resolution may be passed – only exchange of information and preliminary notice of items for next meeting*).
19. A motion to vary the order of business on the ground of urgency:-
- (a) may be proposed by the Chairman or by any member and if proposed by the Chairman may be put to the vote without being seconded
  - (b) shall be put to the vote without discussion
20. Except as provided by these Standing Orders no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and had delivered the notice to the Clerk not later than midday Tuesday in the week before the next meeting of the Council.
21. The Clerk shall date every notice of resolution or recommendation when received by him shall number each notice in the order in which it was received and shall enter it into a book which shall be open for inspection by every member of the Council.
22. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
23. If a resolution or recommendation specified in the summons is not moved either by the member who gave the notice of it or by any other member it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
24. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.
25. Except in respect of Resolutions falling under 26 below the Chairman shall be at liberty to allow participation in the debate by any parishioner appearing on the Electoral Role of the Parish last published at that time Provided that:
- (a) the Parishioner can, in the reasonable opinion of the Chairman make a valid contribution to the debate
  - (b) all members at the Meeting do not object and
  - (c) the contribution of the Parishioner is clear concise and relevant

#### **Resolutions moved without notice**

26. Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of a meeting
  - (b) To correct the Minutes
  - (c) To approve the minutes
  - (d) To alter the order of business
  - (e) To proceed to the next business
  - (f) To close or adjourn the debate
  - (g) To appoint a committee or a member of a committee
  - (h) To adopt a report
  - (i) To authorise the sealing of a document
  - (j) To amend a resolution
  - (k) To give leave to withdraw a resolution or an amendment
  - (l) To exclude the public
  - (m) To silence or remove from the meeting a member named for misconduct
  - (n) To invite a member having an interest in the subject matter under debate to remain
  - (o) To give the consent of the Council where such consent is required under these Standing Orders
  - (p) To suspend any Standing Order
  - (q) To adjourn the Meeting

#### **Questions**

27. A member may ask the Chairman or the Clerk any question concerning the business of the Council provided notice of the question has been given to whom it is addressed before the meeting.

28. No question not connected with the business under discussion shall be asked except during part of the meeting set aside for questions.
29. Every question shall be put and answered without discussion.
30. A person to whom a question has been put may refuse to answer.

#### **Rules of Debate**

31. No discussion shall take place upon the Minutes except on their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman
32. A resolution or amendment shall not be discussed unless it has been proposed and, unless proper notice has been given, it shall if so require by the Chairman be reduced to writing and handed to him before it is further discussed or put to the meeting.
33. A councillor or member of the public co opted to serve on Council committees and sub committees who has a non registerable interest defined under 3.5A of the Council's Code of Conduct, may by invitation of the Chairman, remain in the room to address the council to provide any information as they reasonably consider might inform the debate before leaving the room.

#### **Disorderly Conduct**

34. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If in the opinion of the Chairman a member has broken the provisions of paragraph (a) of this Order the Chairman shall express such opinion to the Council and thereafter any member may move that the member named be no longer heard or the member named do leave the meeting and if seconded the motion shall forthwith be put to the Council without discussion.
- (c) If either of the motions mentioned in (b) above are disobeyed the Chairman may suspend the meeting or take such other action as may be reasonably necessary to enforce them.

#### **Voting on Appointments**

35. Where more than two persons are nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person the person with the least number of votes shall be struck off the list and a fresh vote taken. This procedure will operate until one person obtains an absolute majority.

#### **Matters affecting employees**

36. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any one employed by the Council it shall not be considered unless and until the Council has decided to exclude the public.

#### **Expenditure**

37. Orders for the payment of money shall be authorised by resolution of the Council and signed by at least two members. Provided that unless prohibited so to do by law the Council shall require three signatories to every cheque issued and DD/BACS authorised.

#### **Sealing of Documents**

38. (a) A document shall not be sealed on behalf of the Council unless authorised by resolution.
- (c) A document shall be regarded as validly sealed by the Council if executed on its behalf by two members and the Clerk acting as Proper Officer.

### **Accounts and Financial Statement**

39. (a) Except as provided by paragraph (b) of the Order or by statute all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council such payment shall be certified as to its correctness and urgency by the Proper Officer and ratified by the Council at the meeting next following the date thereof.
- 40 The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipt and payments in that financial year.

### **Estimates**

- 41 The Council shall approve written estimates for the coming financial year at its meeting immediately preceding the seventh day before the date upon which Cornwall Council shall require submission of the Councils precept for that year.

### **Code of Conduct, Complaints and Dispensations**

#### **42 General**

- a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

- b Members must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

#### **43 Members and the Code of Conduct**

- a. All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- b. All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- c. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their initial declaration of acceptance of office.
- d. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- e. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

- f. Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.
- g. You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality, worth £20 or over. See Code of Conduct clause 2.6.
- h. A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

#### 44 Allegations of breaches of the Code of Conduct

- a. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full Council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in 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 council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- e. References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
- f. Upon notification by the Monitoring Officer of the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations of the Monitoring Officer and what, if any, action to take against him in accordance with the recommendations. The Council has no ability to impose its own sanctions against a member found in breach of the Code of Conduct.**

**Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Council or restricted access to council premises except to attend meetings.**

#### 45 Dispensations

- a. The Council has adopted a policy for the issuing of dispensations which is in accordance with the Council's Code of Conduct. It is attached to these Standing Orders as an appendix.
- b. This policy shall apply to all meetings of the Council, its committees and sub-committees.
- c. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

## **Inspection of Minutes**

46 All minutes kept by the Council shall be open for the inspection of any Member of the Council.

## **Unauthorised Activities**

47 No member of the Council shall in the name of or on behalf of the Council.  
(a) inspect any land or premises which the Council has a right or duty to inspect or  
(b) issue orders instructions or directions  
unless authorised by the Council so to do.

## **Admission of public and press to Meetings**

48 The public shall be admitted to all meetings of the Council and any committees which may, however, temporarily exclude the public by means of a resolution stating the special or confidential nature of the business concerned and the advisability thereof in the public interest.

49 The Clerk shall afford to the Press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

50 Filming and recording meetings

- a. Whilst a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may :
  - i. film, photograph or make an audio recording of a meeting;
  - ii. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b. Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- c. An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d. Disruptive behaviour
  - i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - ii. If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii. If a resolution under standing order 62 d ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e. Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

51 If a member of the public interrupts or disrupts the proceedings at any meeting the Chairman may, after warning, order that the offender be removed from the premises at which the meeting is taking place.

## **Confidential Business**

- 52 No member of the Council shall disclose to any person not a member of the Council or the Clerk any business declared by the Council to be confidential and any member in breach of the Order shall be removed from the Council by the Council.

### **Liaison with Cornwall Councillors**

- 53 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and Cornwall Councillor(s) for the district ward.

### **Tenders**

- 54 Invitations to Tender for goods and services shall be issued by the Clerk on the orders of the Council.
- 55 a) The Clerk shall not open any tender unless such opening shall be in the presence of one or more members Provided that in the case of no external indication being given to the Clerk that the envelope contains tender documentation the opening of the same by the Clerk shall not be deemed to be a breach of these Orders Provided further that the Clerk shall in such instance keep the envelope or other material in which the Tender shall have been received in the same state as it was received (other than its opening) attaching the same firmly to the Tender enclosed and shall produce the same on demand to any Member or to the Council at the Meeting at which such Tender shall with any others in respect of the same goods or services be addressed by the Council. (b) The Clerk shall record in writing all tenders submitted, shall obtain the signatures to such record of the Member or Members present at the opening under (a) above and shall put the same and the Tender documentation before the Council at its next meeting or if the next meeting shall be more than 14 days after the last date upon which such Tenders should be returned by the tenderers at a specially convened meeting called to consider the tenders received.
- 56 The Council shall not be obliged to accept the lowest tender or any tender at all.
- 57 If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or services as it shall in its absolute discretion consider reasonable.

### **Restriction on Grants and Donations**

- 58 The Council will not at anytime make any grant of funds or make any financial donation to any person or organisation, whether or not having charitable status or acting for charitable purposes, unless the benefit accruing from such grant or donation is either:-
- (a) solely for the benefit of the residents for the time being of the Parish of Gwennap or
  - (b) of such nature as the majority of the residents for the time being of the Parish of Gwennap would, or would be likely to, obtain a benefit.

and for the purposes of the Order the word "benefit" shall extend to include not only financial benefits but physical and moral benefits and the word "majority" shall mean any proportion of 75% or above.

Provided that nothing in this Order shall restrict or prohibit the Council from resolving to make such a grant or donation where the benefits might not accrue to the majority but where, in its considered opinion, refusal to make such a grant or donation would, or would likely to, bring the Council into disrepute or make it the subject of derision amongst the parishioners.

### **Variation revocation or suspension of standing orders**

- 59 Any or every part of the Standing Orders with the exception of those required to remain in place by statute may be suspended by resolution in relation to any specific item of business.
- 60 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 THREE Councillors.

### **Standing Orders and Members**

- 61 A copy of these Standing Orders shall be given to each of the members within seven days of adoption thereof by the Council and in the case of every new member by the Clerk upon delivery to the Clerk of the declaration of acceptance of office.
- 62 Applications under the Town & Country Planning Acts referred to the Council by any proper planning authority will, wherever, practicable, be dealt with in the course of the Meeting of the Council next following the receipt thereof by the Clerk who shall, where appropriate, make application to the Planning Authority for the extension of the consultation period to allow the same to be referred to the next following Meeting.
- 63 In the event that the Clerk shall be unable to obtain an extension as provided in 62 above the Clerk shall be at liberty to call an extra ordinary meeting of the Council which shall meet within seven days of the call by the Clerk.
- 64 In the event that any statute enacted shall prohibit the grant of an extension of time to consultation periods as above then the Council will (if there are matters to be then considered) meet on the 14<sup>th</sup> day following each normal Meeting of the full Council.
- 65 A meeting called under 63 or 64 shall consist of the Chairman (or in his/her absence the Vice-Chairman) and not less than two other Councillors and (unless prohibited from so doing by any prior Resolution of the Council) shall be deemed to have delegated to it the full powers of the Council in the making of representations to the Planning Authority of matters referred to it for consultation by that Authority.
- 66 Notwithstanding 65 above where a matter shall in the opinion of the Chairman be one that is highly contentious or otherwise of major import the Chairman shall be at liberty to require that the meeting comprise a meeting of the whole Council.

#### **Richard Jory Playing Field**

- 67 All or any monies received by the Council from any organisation charged by the Council or by Deed ratified by the Council with the organisation of any event on the Playing Field being the receipts therefrom shall (unless otherwise agreed in writing by such organisation) be applied by the Council only for the purpose of the erection and maintenance of new facilities at the Playing Field, the maintenance replacement and repair of existing facilities at the Playing Field and the maintenance repair and replacement of any walls, fences, hedges, gates and trees at the Playing Field.