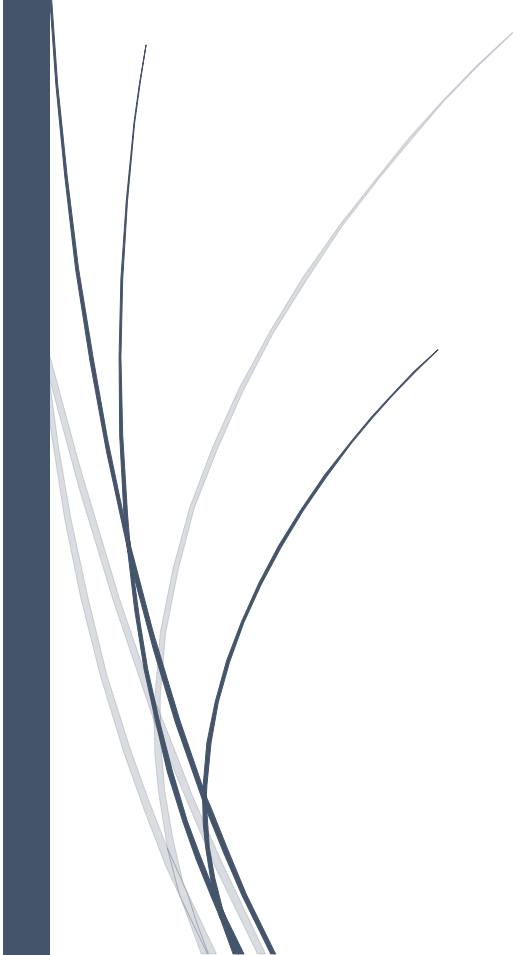


Reviewed and adopted on
4th May 2020

Standing Orders

St Breward Parish Council



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Standing Orders of St Breward Parish Council

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1 Meetings

- a** Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b** The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- 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 if agreed by the Parish Council.
- e** The period of time which is designated for public participation at a meeting, in accordance with standing order [1(d) above], shall not exceed 3 minutes unless directed by the chairman of the meeting.
- f** Any person speaking at a meeting shall address his comments to the Chairman.
- g** 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.
- h** Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- i** 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.
- j** Subject to standing orders which indicate otherwise, anything authorised or required to be

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done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).

- k** 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.
- l** Subject to model standing order 1(s) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- m** The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)
- n** 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.
- o** **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.
- p** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- q** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing orders 6 and 7 below.)
- r** No business may be transacted at a meeting unless at least one third of the whole number

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of members of the Council are present and in no case shall the quorum of a meeting be less than 3.

- s** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

2 Ordinary Council meetings

See also standing order 1 above

- a** In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b** In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c** If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- 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 of the Council shall be the first business completed at the annual meeting of the Council.
- 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.
- 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** In an election year, if the current Chairman of the Council has been re-elected as a

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member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

j At the Annual Meeting of the Parish Council the order of business shall include:

- a. To elect a Chairman and vice-Chairman of the Council.
- b. To receive the Chairman's declaration of acceptance of office or if not then received, to decide when it shall be received.
- c. In an election year, delivery by all other councillors of their acceptance of office forms unless the council resolves for this to be done at a later date.
- d. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- e. Approve the minutes of the last Annual Meeting.
- f. Review of Inventory of land and assets including buildings and office equipment.
- g. Review the council's and/or staff subscriptions to other bodies
- h. To appoint representatives to outside bodies and arrangements for reporting back.
- i. To receive the financial statement for the previous financial year

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. Summon Councillors confirming the date, venue and agenda of a meeting of the Council at least 3 clear working days before the meeting
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear working days before a meeting of the Council
 - iii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] above.
 - iv. Make available for inspection the minutes of meetings.
 - v. Receive and retain copies of byelaws made by other local authorities.

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- vi. Receive and retain declarations of acceptance of office from councillors.
- vii. Adhere to the scope and responsibilities detailed within the Proper Officer/Clerk's Job description.

4 Format of Meetings

- a 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) and undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received to decide when they shall be received.
- b In every year, in the meeting where the budget is reviewed and forthcoming precept discussed - the Council should review the pay and conditions of service of existing employees (*See standing order 5(c) below*)
- c Urgent Business - a motion to vary the order of business on the ground of urgency may be proposed by the Chairman or any member

5 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion shall not be considered unless it has been proposed and seconded.
- c If at a meeting there arises any question relation to the appointment, conduct, promotion, dismissal, salary or condition of service, of any person employed by the Council, it shall not be considered until the Council or committee has been decided whether or not the public shall be excluded.

6 Code of conduct

- a All councillors shall observe the code of conduct adopted by the Council.
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

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- c** Unless he has been granted a dispensation, a councillor 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
- d** Unless he has been granted a dispensation, a councillor 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.
- e** 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.
- f** A decision as to whether to grant a dispensation shall be made by the Proper Officer OR by a meeting of the council, and that decision is final.
- g** 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 the period (not exceeding four years) for which the dispensation is sought; and or a discussion and a vote;
 - (iii) the date of the meeting or
 - (iv) an explanation as to why the dispensation is sought.

7 Questions

- a** A councillor may seek an answer to a question concerning any business of the Council provided 28 clear days notice of the question has been given to the Proper Officer.

8 Minutes

- a** If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b** No discussion of the draft minutes of a preceding meeting shall take place except in

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relation to their accuracy.

- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

9 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman there has been a breach of standing order 9(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 8(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.

10 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 3 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 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.

11 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.

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12 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

13 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 13(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.

(The above is applicable to a Council without a common seal.)

14 Committees

See also standing order 1 above

- 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 dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 14 days before the meeting that they are unable to attend;

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- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 14(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;
- vi. may in accordance with standing orders, dissolve a committee at any time.

15 Sub-committees

See also standing order 1 above

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

16 Extraordinary meetings

See also standing order 1 above

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not 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 14 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.

17 Accounts and Financial Statement

- a Proper practices" in standing orders refer to the most recent version of [Governance and

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Accountability for Local Councils – a Practitioners’ Guide (England)]

- b** 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.
- c** The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council’s receipts and payments for each quarter;
 - ii. the council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d** The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

18 Unauthorised activities

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

19 Confidential business

- a** Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b** A councillor in breach of the provisions of standing order 19(a) above may be removed from a committee, a sub-committee or working party by a resolution of the Council.

20 Freedom of Information Act 2000

- a** All requests for information held by the Council shall be processed in accordance with the Council’s policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b** Correspondence from, and notices served by, the Information Commissioner shall be

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referred by the Proper Officer to the chairman of the Parish Council. He 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.

21 Relations with the press/media

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

22 Liaison with Unitary Councillors

- a** An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor of Cornwall Council representing St Breward.
- b** Unless the council determines otherwise, a copy of each letter sent to the Cornwall Council shall be sent to the ward councillor representing St Breward.

23 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 23(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

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- 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 23(c) below.
- c** Any formal tender process shall comprise the following steps:
 - i.** a public notice of intention to place a contract to be placed in a local newspaper;
 - ii.** a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii.** tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv.** 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;
 - v.** 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.

24 Code of conduct complaints

- a** Upon notification by Cornwall Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 19 above, report this to the council.
- b** Where the notification in standing order 24(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order. 24(d) below].
- c** 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;

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- d Upon notification by Cornwall 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.

25 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

26 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.

These Standing Orders and the attached Code of Conduct were adopted by St Breward Parish Council at their meeting on Tuesday 6th September 2016, and reviewed and revised on Monday 4th May 2020.

Chairman: Denis Lusby

Signature.....

Clerk: Mrs Anita Cornelius

Signature.....