

TREGONY WITH CUBY PARISH COUNCIL

STANDING ORDERS

April 2021

1. ORDINARY MEETINGS OF THE COUNCIL

- 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 newly elected councillors take office.
- b) In a year that is not an election year, the annual meeting of the 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 7 p.m.
- d) In addition to the annual meeting of the council, at least six other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e) The first business conducted at the annual meeting of the council shall be the election of the chairman and vice-chairman of the council.
- f) The chairman of the council, unless they have resigned or become disqualified, shall continue in office and preside at the next annual meeting until their successor is elected.
- g) The vice-chairman of the council, unless they have resigned or become disqualified, shall continue in 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, they 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 but must give a casting vote in the case of equality of votes.
- i) In an election year, if the current chairman of the council has been re-elected as a member of the council, they shall preside at the meeting until a new chairman has been elected. They may exercise an original vote in respect of the election of the new chairman and must give a casting vote in the case of an equality of votes.
- j) Following the election of the chairman and vice-chairman of the council at the annual meeting, the business of the council shall include:
 - i In an election year, delivery by the chairman, vice-chairman and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year that is not an election year, delivery by the chairman and vice-chairman of their acceptance of office form, unless the council resolves for this to be done at a later date.
 - ii Confirmation of the accuracy of the minutes of the last meeting of the council.
 - iii Receipt of the minutes of the last meetings of any committees.
 - iv Consideration of the recommendations made by a committee.
 - v Review of delegation arrangements to committees and staff; review of the terms of reference for committees; appointment of members to committees; appointment of any new committees; unless the council resolves for these to be done at a later date.
 - vi In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence.
 - vii Confirmation of arrangements for insurance cover in respect of all insured risks.
 - viii Determine the date and place of council meetings for the following year.

2. EXTRAORDINARY MEETINGS OF THE COUNCIL

- 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 seven days of having been requested in writing to do so by two councillors, any two

councillors may convene an extraordinary meeting of the council. The public meeting giving the time, place and agenda for such a meeting must be signed by the two councillors.

- c) The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d) If the chairman of the committee does not or refuses to call an extraordinary meeting of the committee within seven days of having been requested in writing to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee.

3. COMMITTEES AND SUB-COMMITTEES

- a) The council may appoint standing committees or other committees as may be necessary.
- b) The council shall determine the term of reference of the committees.
- c) The council shall appoint and determine the terms of office of members of the committees and substitutes if appropriate.
- d) The council shall appoint and determine the number and times of meetings of the committee or shall permit the committee to determine these itself.
- e) The council may appoint the chairman of the committee or may permit the committee to elect its own chairman at the first meeting of the committee.
- f) The council shall determine the place, notice requirements and quorum for a meeting of a committee.
- g) The council shall determine if the public may participate at a meeting of the committee.
- h) The council may dissolve a committee.

4. CONDUCT OF MEETINGS

- a) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol.
- b) Three clear days' notice of a meeting shall be given. The three days do not include the day on which the notice is issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, or 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 the meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend.
- e) The period of time designated for public participation at a meeting shall not exceed 15 minutes unless otherwise directed by the chairman of the meeting.
- f) Unless otherwise directed by the chairman of the meeting, each representation by a member of the public shall not exceed three minutes.
- g) A question by a member of the public shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- h) At the chairman's discretion and with the agreement of the council, a member of the public may be invited to answer any questions on matters of fact relating to an item under consideration by the council at that point in the agenda where the matter is being discussed.

- i) The chairman, if present, shall preside at a meeting. If the chairman is absent from the meeting, the vice-chairman, if present, shall preside. If both are absent from the meeting, a councillor chosen by the councillors present shall preside at the meeting.
- j) All matters at a meeting shall be decided by a majority of councillors with voting rights present and voting.
- k) 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 their casting vote whether or not they gave an original vote.
- l) Voting on a matter shall be by a show of hands. At the request of a councillor, the voting on any matter shall be recorded so as to show whether each councillor present gave their vote for or against the question, or abstained. Such a request shall be made before moving to the vote.
- m) A councillor with voting rights who has a disclosable interest or another interest as set out in the council's code of conduct (see paragraph 11) in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.
- n) No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum for a meeting of the council be less than four, or in the case of a committee three.
- o) If a meeting is or becomes inquorate, no further business shall be transacted and the meeting shall be closed. The business on the agenda shall be adjourned to a future meeting.

5. AGENDAS AND MINUTES OF MEETINGS

- a) An agenda shall be published along with the notice of each meeting. The agenda for council meetings shall contain at least the following items:
 - i Apologies for absence.
 - ii Declarations of interest and dispensations.
 - iii Public participation.
 - iv Minutes of previous meeting.
 - v Matters arising from previous meetings, report only.
 - vi Financial update.
 - vii Reports from village organisations or from parish councillors if appropriate.
 - viii Report by clerk of correspondence received and impact on the council.
 - ix Planning applications to be considered by the council: reference number, address, brief description. (Note: included on council meeting agenda unless a planning committee has been appointed in which case to be on its agenda.)
 - x Planning applications determined by Cornwall Council.
 - xi Matters for consideration by the council: brief description of the issue, the decision to be made, or item to be noted.
 - xii Date and time of next meeting.
- b) The minutes of a meeting shall include an accurate record of at least 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.
 - iv Whether a councillor left the meeting when matters in which they held interests were being considered.
 - v If there was a public participation session.
 - vi The resolutions made.

6. RESOLUTIONS AT MEETINGS

- a) Except as provided by these standing orders, no resolution may be moved unless the business to which it relates is on the published agenda for the meeting or the mover has given notice in writing of its terms and has delivered the notice to the clerk at least seven clear days before the meeting of the council.
- b) If the subject matter of the resolution comes within the terms of reference of a committee of the council, it shall, upon being moved and seconded at the council meeting, stand referred without discussion to the relevant committee provided that the chairman may, if he considers it to be a matter of urgency, allow it to be dealt with at the meeting at which it was moved.
- c) Every resolution shall be relevant to some matter over which the council has power or which affects its parish area.
- d) Resolutions dealing with the following matters may be moved without prior notice:
 - i To appoint a chairman of the meeting.
 - ii To correct an inaccuracy in the draft minutes of a meeting.
 - iii To move to a vote.
 - iv To defer consideration of a matter.
 - v To amend a motion.
 - vi To refer a motion to a particular committee.
 - vii To change the order of business of the meeting.
 - viii To proceed to the next item on the agenda.
 - ix To adopt a report.
 - x To appoint a committee and its members.
 - xi To extend the time limits for speaking.
 - xii To exclude the press and public from a meeting in respect of confidential information or information which is prejudicial to the public interest.
 - xiii To not hear further from a councillor or a member of the public.
 - xiv To exclude a councillor or member of the public for disorderly conduct.
 - xv To temporarily suspend the meeting.
 - xvi To suspend a particular standing order unless it reflects a mandatory statutory requirement.
 - xvii To adjourn the meeting.
 - xviii To close the meeting.
- e) A resolution made by the council on a particular matter shall not be reversed within six months except by a special motion which requires written notice by at least 5 councillors to be given to the clerk at least seven clear days before the meeting of the council.

7. VOTING ON APPOINTMENTS

- a) Where two or more persons have been nominated for a position to be filled by the council, the vote may be taken by a show of hands, or if requested by any councillor, a written ballot will be taken. The ballots will be viewed by the clerk and the clerk will report the result of the vote.
- b) Where more than two 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

8. FILMING AND RECORDING OF MEETINGS

- a) While a meeting of the council or a committee is open to the public, any person, if present, may:

- i Film, photograph or make an audio recording of the meeting.
 - ii 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 the meeting.
 - c) 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) No filming, photography or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
 - e) If persons disregard the request of the chairman to moderate their behaviour, any councillor 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.
 - f) Members of the council recording meetings must stop recording when matters are being discussed in a confidential session.

9. CONFIDENTIAL INFORMATION

- a) The agenda and supporting papers and the minutes of meetings published in the public domain shall not disclose confidential or sensitive information that would not be in the public interest.
- b) Information that is confidential shall be recorded in the council's records by the clerk separately from the public records.
- c) Councillors and staff shall not disclose confidential or sensitive information that should not be in the public domain.

10. RULES OF DEBATE AT MEETINGS

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) An amendment is a proposal to remove or add words to, or to modify a motion. It shall not negate the motion.
- f) If an amendment to the original motion is carried, the amendment becomes the substantive motion upon which further amendment(s) may be moved.
- g) An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h) A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j) Subject to standing order m) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k) One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l) A councillor may not move more than one amendment to an original or substantive motion.

- m) The mover of an amendment has no right of reply at the end of debate on it.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o) Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i to speak on an amendment moved by another councillor;
 - ii to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii to make a point of order;
 - iv to give a personal explanation; or
 - v in exercise of a right of reply.
- 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 other irregularity in the proceedings of the meeting he is concerned by.
- q) A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r) When a 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 no longer heard or to leave the meeting;
 - vi to refer a motion to a committee or sub-committee for consideration;
 - vii to exclude the public and press;
 - viii to adjourn the meeting; or
 - ix to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s) Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t) Excluding motions moved under standing order t) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

11. CODE OF CONDUCT AND DISPENSATIONS

- a) The council has adopted the Cornwall Council 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 of the council.
- b) 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.
- c) 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.
- d) All councillors and members of the public co-opted to serve on council committees shall notify the council of any disclosable pecuniary interests, and of any updates, by notifying the clerk of within 28 days.

- e) The council shall maintain for public inspection, a register of members' interests that is compliant with the Code of Conduct and with relevant legislation.
- f) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of office
- g) Unless granted a dispensation, a councillor 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.
- h) Unless granted a dispensation, a councillor who has declared 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.
- i) 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 may remain in the room to address the meeting, provide a short statement and answer questions for no more than three minutes, or longer at the discretion of the chairman, before leaving the room.
- j) Councillors must register any gifts or hospitality that they receive in connection with their official duties worth £50 or over.
- k) 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 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.
- l) Dispensations: requests for dispensation 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.
- m) A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee for which the dispensation is required and that decision is final.
- n) A dispensation shall confirm:
 - i the description and the nature of the disclosable registerable 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.
- o) This policy shall apply to all meetings of the council and its committees.
- p) No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- q) A dispensation may be granted if in 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.

12. CODE OF CONDUCT COMPLAINTS

- a) Notification of any complaint shall remain confidential to the Proper Officer of the council (as defined in paragraph 14) until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of the council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the chairman or vice-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 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 Cornwall Council that a councillor has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against them. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended as part of the Decision Notice. The council has no ability to impose additional sanctions against a member found in breach of the Code of Conduct.

13. CORNWALL COUNCILLOR

- a) Invitations to attend meetings of the council shall be sent, together with the agenda, to the divisional councillor of Cornwall Council representing the area of the council.
- b) The council may invite the divisional councillor to present a report to meetings of the council.
- c) At the chairman's discretion, the divisional member may be invited to speak during any item on the agenda to make a short statement and to answer any questions.

14. PROPER OFFICER

- a) The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the clerk is absent.
- b) The Proper Officer shall:
 - i at least three clear days before a meeting of the council or a committee serve on councillors, a signed summons confirming the time, place and the agenda.
 - ii give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee;
 - iii convene a meeting of the council for the election of a new chairman of the council, occasioned by a casual vacancy in his office;
 - iv facilitate inspection of the minute book by local government electors;
 - v receive and retain copies of byelaws made by other local authorities;
 - vi retain acceptance of office forms from councillors;
 - vii retain a copy of every councillor's register of interests;
 - viii assist with responding to requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018;

- ix receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi arrange for legal deeds to be executed;
- xii arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii record every planning application notified to the council and the council's response to the local planning authority;
- xiv refer a planning application received by the council to the Chairman or in his absence the vice-chairman of the council within two 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;
- xv retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

15. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) Proper practices in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- b) All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- 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) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

16. FINANCIAL CONTROLS AND PROCUREMENT

- a) The council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.
- b) All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

17. REQUESTS FOR INFORMATION

- a) The council will endeavour to be as open as possible in responding to requests from the public for information about council matters.

- b) The council will abide by the terms of the Freedom of Information Act 2000 where formal requests are made and by the Data Protection Act 2018 in respect of subject access requests.
- c) Any correspondence or notices served on the council by the Information Commissioner Office will be included on the agenda of the next council meeting.

18. HANDLING STAFF MATTERS

- a) A matter personal to a member of staff that is being considered by a meeting of council or the staffing committee will be dealt with as a confidential matter where the press and public are excluded.
- b) The chairman of the council or in their absence, the vice-chairman shall, as per the clerk's contract of employment, conduct an annual appraisal/development review of the work of the Clerk. The review and appraisal shall be reported to the council.
- c) Subject to the council's policy regarding the handling of performance, capability, sickness, absence and disciplinary matters, the council's most senior employee (or other employees) shall contact the chairman of the council or in their absence, the vice-chairman of the council in respect of an informal or formal matter, and this matter shall be reported back and progressed by resolution of the council.
- d) Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the clerk relates to the chairman or vice-chairman of the council, this shall be communicated to another member of the council which shall be reported back and progressed by resolution of the Council.
- e) 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.
- f) The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.

19. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a) All councillors are free to express their personal opinions on matters relating to the council or other issues. However, where those opinions are relevant to an upcoming decision by the council, the councillor must ensure that they are not pre-determined on the matter when it is considered by the council.
- b) No councillor shall present their own views as being the views of the council unless and until the council has resolved that this is the council's position.
- c) No councillor shall issue orders, instructions or directions or incur any expenditure on behalf of the council unless and until the council has resolved so to do.

20. EXECUTION AND SEALING OF DEEDS

- a) A legal deed shall not be executed on behalf of the council unless authorized by a resolution of the council.
- b) Subject to a) above, any two councillors may sign on behalf of the council any deed required by law and the proper officer shall witness their signatures.

21. STANDING ORDERS GENERALLY

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) A motion to add to or vary or revoke one or more of the council's standing orders must be proposed by a special motion, written notice of which shall be given by at least two councillors to the Proper Officer in accordance with standing order 6 a).

- c) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.
- d) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.