



# **CARN BREA PARISH COUNCIL**

## **STANDING ORDERS**

**Standing Order as adopted on 9<sup>th</sup> May 2019 (Minute number AM/19/09)**

**Reviewed on 15<sup>th</sup> October 2020 (Minute Number 20/10/19)**

## How to use standing orders

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If this does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements. It is recommended that councils adopt them without changing them. Other standing orders not in bold are designed to help councils operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. For convenience, the word "councillor" is used in standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

The standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Officer.

Financial regulations exist in a separate policy.

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## Standing Orders

### 1. 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- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.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 a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion 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 1(k) 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 amendments 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 to 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 orders(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 to reply.
- t. Excluding motions moved under standing order 1(r) 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.

## 2. Disorderly conduct at meetings

- 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 person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 2(b) 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.

## 3. Meetings generally

- Full Council meetings
- Committee meetings
- 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. **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 a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- ■ d. **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.**

- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3 (e) above shall not exceed 20minutes unless directed by the chairman of the meeting.
- g. At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- h. Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- i. In accordance with standing order 3(e) above, a question 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.
- j. A member of the public shall raise his hand when requesting to speak and stand if requested by the Chairman.
- k. A member of the public who speaks at a meeting shall direct his comments to the chairman of the meeting.
- l. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
-   **m. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  **n. 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 the Vice-Chairman of the Council.**
-  **o. 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.**
-    **p. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

- q.** 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 standing orders 6 (h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- r.** Unless standing orders provide otherwise, voting on a 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 to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.
- s.** 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
- t.** 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.
- u.** No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.  
See standing order 5d(vii) below for the quorum of a committee or sub-committee meeting.
- v.** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w.** A meeting shall not exceed a period of 2½ hours. An extension of time must be voted on and get a majority vote, in order to continue.

## 4. Filming and recording meetings

- a. When a meeting of the Full 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 a meeting.
  - ii) If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or 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 4 d(ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order 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.

## 5. Committees and sub-committees

- a. **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c. **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. The council may appoint committees as necessary, and:
  - i. shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 5 (b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vii. 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;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee
  - xii. The Chairman and Vice Chairman ex-officio shall be members of every committee.

- e.
  - i. The Council expects its members to attend approved training courses in order to achieve the level of knowledge and competency appropriate to the office of councillor.
  - ii. Councillors are required to attend the training courses identified below within 6 months of acceptance of office as a councillor or within 6 months of being appointed to a committee identified below.
  - iii. All councillors elected as Chairman or Vice Chairman of Full Council, or elected Chairman or Vice Chairman of a Committee must attend the training for Chairmen.
  - iv. All councillors are required to attend training relative to the Code of Conduct.
  - v. Members of the Planning Committee are required to attend training relative to the planning process.
  - vi. Members of the Health & Safety and Finance Committee and Staffing Committee are required to attend training relative to financial matters, ie setting budgets and precepts, and training relative to Personnel law and procedures.
  - vii. Members of all committees are required to attend training on issues that from time to time become pertinent, as agreed by Full Council.
  - viii. The cost of any course fees will be met from the funds of the Council.
  - ix. All of the above training is subject to availability.

## **6. Annual Council Meeting**

- 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 direct.**
- 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 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 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 equality of votes.**
  
- j. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his 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 meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 5 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xv. Review of the council's and/or staff subscriptions to other bodies;
  - xvi. Review of the council's complaints procedure;
  - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the General Data Protection Policy.
  - xviii. Review of the council's policy for dealing with the press/media; and
  - xix. Determining the time of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **7. Extraordinary meetings of the council and committees and sub-committees**

- 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 notice giving the time, place 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 the 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 a quarter of the members of the committee or the sub-committee, those members of the committee or the sub-committee may convene an extraordinary meeting of the committee or the sub-committee.

## **8. Previous resolutions**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 10 below.
- b. When a motion moved pursuant to standing order 8 (a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. Voting On Committee Appointments and Co-Option of Councillors**

- a. Where more than two persons have been nominated for 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.
- b. Where more than two persons have been nominated for a position to be filled by the Council, the vote may be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk.
- c. Where the number of candidates for co-option is less than or equal to the number of vacancies the candidates shall be appointed to the council if they meet the criteria (s.79 of the 1972 Act) and they are not disqualified under s.80)

## **10. Motions for a meeting that require written notice to be given to the Proper Officer**

- a. A motion shall relate to the responsibility of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically effects the council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 9 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10 (b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 10 (b) 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 so that it can be understood at least 9 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- f. Subject to standing order 10 (e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded in a book for that purpose and numbered in the order they are received.
- h. Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- i. A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.

## **11. Motions for a meeting that do not require written notice**

The following motions may be moved at a meeting without written notice to the Proper Officer;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

## **12. Management of Information**

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **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.**
- d. **Councillors, staff, the Council's Contractors and agents shall not disclose confidential or information or personal data without legal justification.**

### 13. Draft Minutes

- a. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about items of business in the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11 (i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, 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 meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e. **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f. Subject to publication of draft minutes in accordance with standing order 13(e) and standing order 21(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or records of the meeting for which approved minutes exist shall be destroyed.

## 14. Code of Conduct and Dispensations

### 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.

### Members and the Code of Conduct

- d. 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.
- e. 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.
- f. All councillors shall undertake training in the code of conduct within 6 months of delivery of their declaration of acceptance of office.
- g. Unless granted a dispensation, a councillor or non-councillor with voting rights who has declared 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. They may return to the meeting after it has considered the matter in which they had the interest.
- h. Unless granted a dispensation, a councillor or non-councillor with voting rights who has declared a Disclosable Non-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. They may return to the meeting after it has considered the matter in which they had the interest.
- i. 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. They may return to the meeting after it has considered the matter in which they had the interest.

- j. 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 (3) minutes before leaving the room at the request of the Chairman.
- k. 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 that could be seen by the public as likely to influence your judgement in these matters.
- l. 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 proceeding would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for inspection by any member of the Council during office hours.

## **Dispensations**

- m. 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.
- n. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- o. 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.
- p. This policy shall apply to all meetings of the Council, its committees and sub-committees.
- q. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

- r. A dispensation may be granted in accordance with standing order 14(m) 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 dispensations is in the interest of person living in the council's area or
  - iii. it is otherwise appropriate to grant a dispensation

## **15. Code of Conduct Complaints**

- a. Notification from the monitoring officer 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 the 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 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 Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him.**

**Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.**

## 16. 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 Proper Officer is absent.
- b. The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery, post or email at their residences, a signed summons confirming the time, place and the agenda.**

Such email shall contain the electronic signature and title of the Proper Officer.  
Hard copies shall be readily available at all meetings.  
See standing order 3(b) above for the meaning of 3 clear days for a meeting.  
**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 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);**  
See standing order 3(b) above for the meaning of 3 clear days for a meeting.
  - ii. subject to standing order 10 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 9 days before the meeting confirmation his withdrawal of it;
  - 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;**
  - 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 Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - 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;  
See also standing order 24 below
  - 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 on a database for such purpose;
  - xiv. refer a planning application received by the council to the Chairman or in his absence Vice-Chairman of the Planning Committee 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 committee;
  - xv. manage access to information about the council via the publication scheme; and

- xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.  
See also standing order 24 below.

## **17. Responsible Financial Officer**

When the Responsible Financial Officer is absent, the Council must consider appointing an appropriate person to undertake the work of the Responsible Financial Officer if required.

## **18. 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 the following month 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.

## 19. Financial controls and procurement

- 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 keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices 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; and
  - v. procurement policies (subject to standing order 18 (c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial regulations shall confirm that a 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 19 (d) below.**
- d. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works, shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors containing councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

- e. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. Where the value of a contract is likely to exceed **£164176** (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the **Public Contract Regulations 2015** (SI No. 5, as amended) and the **Utilities Contract Regulations 2016** (SI No 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with such UK or EU procurement rules as appropriate.

## **20. Handling Staff Matters**

- a. Any matter personal to a member of staff that is being considered by a meeting of council OR the Staffing Committee is subject to standing order 12 above.
- b. The Council's most senior staff member (or other member of staff) shall contact the Chairman of the Staffing Committee or in their absence the Vice Chairman of the Staffing Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Staffing Committee in accordance with its terms of reference.
- c. The council's most senior member of staff shall notify the chairman of council or, if they are not available the vice-chairman of the council of staff absence occasioned by illness or other reason. Such absences will be reported to Full Council at its next meeting.
- d. Outside of the normal annual appraisal the chairman of the council or in his absence, the vice-chairman shall upon a resolution of the Staffing Committee, conduct a review of the performance and annual appraisal of the work of an employee. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing Committee.
- e. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the chairman of the council or in his absence, the vice-chairman of the council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 12(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 20(f) .

## **21. Responsibility to Provide Information**

- a. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulation 2015.

## **22. Responsibilities Under Data Protection Legislation**

- a. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- b. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c. **The Council shall keep a record of all personal data breaches comprising the facts of the personal data breach, its effects and the remedial action taken.**
- d. **The Council shall ensure that information communicated in its privacy notice(s) is an easily accessible and available form and kept up to date.**
- e. **The Council shall maintain a written record of its processing activities.**

## **23. Relations with the press/Media**

Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be referred through the Clerk to the Council Chairman or Vice Chairman in their absence.

## **24. Execution and sealing of legal deeds**

See also standing orders 16 (b) (xi) and xvi) above.

- a. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b. **Subject to standing order 24 (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.**

## **25. Communicating with Cornwall Councillors**

- a. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the divisional councillor(s) of Cornwall Council representing the area of the council.
- b. Unless the council determines otherwise, a copy of relevant correspondence sent to Cornwall Council shall be sent to the divisional councillor(s) representing the area of the Council.
- c. At the Chairman's discretion and with the approval of the council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

## **26. Restrictions on councillor activities**

- a. Unless authorised by a resolution or minuted agreement, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect; or
  - ii. incur any expenditure, or
  - iii. issue orders, instructions or directions.

on behalf of Carn Brea Parish Council

## **27. 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, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two thirds of councillors to be given to the Proper Officer in accordance with standing order 10 above.
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his 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.

## **28. Remote Meetings Protocol and Procedures Amendments to Standing Orders**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allow local councils to hold remote meetings. The regulations give automatic authority to hold remote meetings and amend standing orders as required.

These regulations remain in force until May 7<sup>th</sup>, 2021 or earlier if repealed and require a number of temporary changes to Standing Orders.

### **General**

This Protocol and Procedures should be read in conjunction with the Council's standing orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

#### **1) Annual Meeting**

- a) The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to May 7<sup>th</sup>, 2021 may only take place
  - i) where called by the Chair or
  - ii) following a resolution calling for an annual meeting being passed at an ordinary or extra ordinary meeting of the Council.

#### **2) Access to Information**

- a) Where a document is required to be 'open to inspection' this shall include published on the website of the council.
- b) Where a document is required to be published and made available at the council's offices, this shall include published on the website of the council.
- c) Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

### **3) Remote Access to Meetings**

- a) The definition of meeting within the Council's standing orders is amended so that
  - i) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
  - ii) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
  - iii) where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- b) If the Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
- c) If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

### **4) Councillors in Remote Attendance**

- a) A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
  - i) hear and where practicable see other members of the council
  - ii) hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chairman
- b) A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 4 a) are not met.
- c) Subject to 4 b) the Chairman may if appropriate
  - i) adjourn the meeting to permit conditions for remote attendance to be re-established
  - ii) count the number of councillors in attendance for the purpose of the quorum

## **5) Remote attendance by members of the public**

A link to join the meeting will be available on the agenda.

- a) A member of the public is in remote attendance when they can :
  - i) hear and where practicable see and so be heard and where practicable seen by members of the council at the meeting
  - ii) hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the Chairman
- b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 5 a) are not met.
- c) Subject to 5 b) the Chairman may if appropriate
  - i) adjourn the meeting to permit conditions for remote attendance to be re-established
  - ii) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

## **6) Remote Voting**

Unless a recorded vote is demanded, the Chair will take the vote by:

- a) confirmation of the meeting that there is agreement or
- b) a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

## **7) Code of Conduct – councillors excluded from the meeting**

Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

## **8) Exclusion of the press and public**

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then:

- a) The means of remote attendance and access to the meeting by members of the press and public will be severed
- b) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.