

Werrington Parish Council

Standing Orders

Introduction

These standing orders are intended to provide a comprehensive and relevant commentary for the organisation and transaction of the Werrington Parish Council business and have been decided by the full Council. They aim to ensure effective governance of the Council and as such shall be reviewed and updated, if appropriate, by the Council on an annual basis.

Standing orders in bold reflect statutory requirements.

- **Mandatory for full Council meetings**
 - **Mandatory for sub-committee meetings**
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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) When calculating the three clear days for the notice of a meeting to the councillors and the public, 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 shall not count.
- ● c) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution, which shall give reasons for the public exclusion.
- d) A period of time for public participation shall be included in the agenda. Members of the public may speak at other times during a meeting at the discretion of the Chairman.
- e) A record of a public participation session at a meeting shall be included in the minutes of that 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 consent.**
- ● i) **In accordance with standing order 1c 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) An invitation to attend a meeting of the Council shall be sent, together with a copy of the agenda to the councillor of Cornwall Council representing the electoral ward.
- k) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice Chairman.**
- l) **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 the meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- ● m) **All questions at a meeting shall be decided by a majority of the councillors present and voting thereon.**
- ● n) **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/she gave an original vote.**
- o) **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 the question.**
- ● p) **The minutes of a meeting shall record the names of councillors present and absent.**

- ● 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.
- ● r) **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 the following meeting.

2. Ordinary Council Meetings (see also 1 above)

- a) Meetings shall not normally exceed a period of 2 hours.
- b) 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.
- c) In a year, which is not an election year, the annual meeting of the Council shall be held on such a day nearest to the start of the month of April as the Council may direct.
- d) If no other time is fixed the annual meeting of the Council shall take place at 7 pm.
- e) In addition to the annual meeting of the council, at least 6 other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- f) The election of the Chairman and Vice Chairman of the Council shall be the first business completed at the next ordinary meeting after the annual meeting of the council.
- g) At this meeting the existing Chairman, may stand for re-election.
- h) In an election year, delivery by councillors of their declaration of acceptance of office.
- i) The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next meeting of the council.
- j) The Vice Chairman of the Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next meeting of the Council.
- k) In election year, if the current Chairman of the Council has not been re-elected as a member of the council, he/she 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.
- l) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she 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.
- m) No motion may be moved at a meeting unless it is included in the agenda.

3. Annual Meeting

At the annual meeting of the Council the order of business shall be as follows:

- a) Confirmation of the minutes of the last annual meeting of the Council.

- b) An invitation to be issued to all groups involved in the parish to attend or send a report and these to be heard at the meeting.
- c) Review of representation on or work with external bodies and arrangements for reporting back.

4. Extra-Ordinary Meetings

- a) **The Chairman of the Council may convene an extra-ordinary meeting of the Council at any time, subject to the statutory public notice of the time venue and agenda for such a meeting.**
- b) **If the Chairman of the Council does not or refuses to call an extra-ordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extra-ordinary 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.**

5. 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 relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 7iv below.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) Upon resolution that confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

6. Committees

- a) The Council may appoint other committees as may be necessary which;
 - i. Consists of councillors only.
 - ii. Are bound by these standing orders.
- b) The Council may appoint working parties to deal with a specific issue which;
 - i) may include non-councillors.
 - ii) may operate under terms of reference given to them by the Council.
- c) The Council may appoint a working party to operate on an informal basis to address a specific topic and report back to the Council.

7. Motions Not Requiring Written Notice

- i. To suspend any standing order except those which are mandatory by law
- ii. To appoint a person to preside at a meeting
- iii. To approve the absence of councillors
- iv. To approve the accuracy of the minutes of the previous meeting
- v. To correct an inaccuracy in the minutes of the last meeting
- vi. To dispose of business, if any, remaining from the last meeting
- vii. To alter the order of business on the agenda for reasons of urgency or expedience
- viii. To proceed to the next business on the agenda
- ix. To close or adjourn debate

- x. To appoint councillors to a sub-committee or working party
- xi. To refer a matter to a sub-committee or working party
- xii. To dissolve a sub-committee or working party

8. 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.

The Council's Proper Officer shall do the following:

- b) Sign and serve on councillors by delivery; post or email to their residences a summons confirming the time, date, venue and agenda of a meeting of the Council and a meeting of a sub-committee at least 3 clear days before the meeting.**

OR

Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post is not expedient, electronically serve on councillors a summons confirming the date, time, venue and agenda of a meeting of the Council and the meeting of a sub-committee at least 3 clear days before the meeting, provided any such email contains the electronic signature and title of the Proper Officer.

- c) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a sub-committee, (provided that the public notice with agenda of an extra-ordinary meeting of the Council convened by councillors is signed by them)**
- d) Convene the meeting of the full Council for the election of a new Chairman of the Council, occasioned by the casual vacancy in his office in accordance with standing orders 8b OR 8c above.**
- e) Make available for inspection the minutes of meetings.
- f) Receive and retain copies of bylaws made by other local authorities.**
- g) Receive and retain declarations of acceptance of office from councillors.**
- h) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- i) Keep proper records required before and after meetings.
- j) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- k) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- l) Arrange for legal deeds to be signed by 2 councillors and witnessed.
- m) Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- n) Act or undertake activity or responsibilities included by resolution or contained in standing orders.

- o) Shall undertake the role of Responsible Finance Officer (RFO) and shall manage the Council's financial affairs in accordance with proper practices.

9. Rules of Debate

- a) Items included in the 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) A councillor may move an amendment to his own proposal. If a proposal has already been seconded an amendment to it shall be with the consent of the seconder.
- d) An amendment to a proposal shall be either:
 - i. To leave out words
 - ii. To add words
 - iii. To leave out words or add other words
- e) An amendment to a proposal shall not have the effect of rescinding the original proposal under consideration.
- f) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a proposal shall be moved until the previous amendment has been disposed of.
- g) Subject to standing order 9f above one or more amendments may be discussed together if the Chairman considers this expedient, but shall be voted on separately.
- h) Pursuant to standing order 9f above the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- i) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- j) If an amendment is carried, the original motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- k) Where a series of amendments to an original motion is carried, the mover of the original motion shall have the right of reply, in respect of the substantive motion at the very end of the debate and before it is put to the vote.
- l) 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/she considers has been breached, or specify the irregularity in the meeting he/she is concerned by.
- m) The Chairman shall decide a point of order and his/her decision will be final.
- n) With the consent of the seconder and/or of the meeting a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- o) When a councillor's motion is under debate no other motion shall be moved except:
 - i. To amend the motion
 - ii. To proceed to the next business
 - iii. To adjourn the debate
 - iv. To put the motion to a vote
 - v. To ask a person to be silent or for him to leave the meeting

- vi. To refer a motion to a sub-committee or working party for consideration
 - vii. To exclude the public and press
 - viii. To adjourn the meeting
 - ix. To suspend any standing order except those which are mandatory
- p) In respect of iv. above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of a motion under debate to exercise or waive his/her right of reply and shall put the motion to the vote after the right has been exercised or waived. The adjournment of a debate or meeting shall not prejudice the mover's right of reply at the resumption.

10. Rescission of Previous Resolutions

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except in special circumstances, the written notice whereof bears the names of at least 3 councillors.
- b. When a special motion or any other motion moved in pursuant to 10a above has been disposed of no similar motions may be moved within a further 6 months.

11. 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 11a 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 without discussion.
- c) If a resolution made in accordance with standing order 11b above is disobeyed the Chairman may take such further steps as may reasonably be necessary to enforce it and he/she may adjourn the meeting.

12. Canvassing and Recommendation by Councillors

- a) Canvassing councillors directly or indirectly, for appointment to or by the Council shall disqualify the candidate for such an appointment. The clerk shall disclose the requirements of this standing order to any candidate.
- b) A councillor shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion, but nevertheless any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

13. Inspection of Documents

- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may for the purpose of his official duties (but not otherwise) inspect any documents in the possession of the Council and request a copy for the same purpose. The minutes of the meetings of the Council, and sub-committees shall be available for inspection by councillors.
- b) Members of the public may have access to Parish Council records in accordance with the Freedom of Information Act 2000 (Standard Scheme for Parish and Town Councils.)

14. Unauthorised Activities

- a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council:
 - i. Inspect any land or premises which the Council has a right or duty to inspect or
 - ii. Issue orders, instructions or directions.

15. 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 provision of standing order 15a above may be removed from the sub-committee by resolution of the council.

16. Voting on Appointments

- a) Where more than two persons have been nominated for a position to be filled by the Council and none of these 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.

17. Execution of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by resolution.
- b) In accordance with a resolution made under standing order 17a 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.**

18. Code of Conduct

- a) All councillors shall be given a copy of the adopted code of conduct at the same time as their declaration of office.
- b) All councillors shall observe the code of conduct adopted by the Council.**
- c) 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.**
- d) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- e) Councillors with prejudicial interest in relation to any item of business being transacted at a meeting may (1) make representations, (2) answer questions and (3) give evidence relating to the business being transacted but must, thereafter, leave the room.**

19. Allegations of Breaches in the Code of Conduct

- a) On receipt of a notification there has been an alleged breach of the code of conduct the clerk shall refer it to the Chairman.
- b) Where the notification relates to a complaint made by the clerk, the clerk shall notify the Chairman.
- c) The subject matter of notification shall be confidential and in so far as is possible to do so by law, the Council (including the clerk) shall take the steps set out below together with any other steps considered necessary to maintain confidentiality
 - i. Draft the summons and agenda in such a way that the identity and subject matter

- of the complaint are not disclosed.
- ii. Ensure that any background papers containing the information set out in standing order 19a above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the administration of the matter.
- d) Standing order 19c above should not be taken to prohibit the Council (whether through the clerk or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint as required by law
- e) References to standing order 19 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 of a councillor.

20. Power of Well-being (England)

- a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.
- b) The Council's period of eligibility begins on the date that the resolution under standing order 20a above was made and expires on the day before the annual meeting of the Council takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purpose of completing an activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 20b above.

21. Financial Regulations

- a) **The Council has established a set of financial regulations for guidance and these are attached.**

22. Council Policies

- a) The Council may from time to time adopt policies related to its management and affairs. These are attached as appendices to this document and have the same status as the standing orders.

23. Variation, Revocation and Suspense 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 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.

24. Standing Orders to be Given to Councillors

- a) The clerk 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/her being excluded from the meeting in accordance with standing orders.