

STANDING ORDERS

1. MEETINGS

Meetings of the Council shall be held at Cubert Village Hall at 1900 hrs. on the third Wednesday of every month, unless circumstances necessitate a change.

- * THE STATUTORY ANNUAL MEETING SHALL BE HELD ON THE WEDNESDAY NEXT FOLLOWING THE FOURTH DAY AFTER THE ORDINARY DAY OF ELECTIONS TO THE COUNCIL IN AN ELECTION YEAR, AND, IN A YEAR WHICH IS NOT AN ELECTION YEAR, SHALL BE HELD ON THE THIRD WEDNESDAY IN MAY.

A further meeting of the Council may be held solely to resolve on planning applications. The Clerk shall refer all planning applications to the Chairman or Vice-Chairman in accordance with S.O. No 53(b). The Chairman or Vice-Chairman shall then decide upon the calling of a mid-month meeting of the Council in order to resolve on planning applications. The meeting shall be held at 1900hrs in Cubert Village Hall. The normal procedures for notifying Council Members and the public, of the meeting, shall take place.

2. MEMBERSHIP

- * THE COUNCIL SHALL CONSIST OF NINE MEMBERS, INCLUDING THE CHAIRMAN

3.* CHAIRMAN OF MEETING

- * THE PERSON PRESIDING AT A MEETING MAY EXERCISE ALL THE POWERS AND DUTIES OF THE CHAIRMAN IN RELATION TO THE CONDUCT OF THE MEETING. See 'The Standing Orders & Chairmanship', published by The National Association of Parish Councils, for details)

4 PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk. His duties include:-

- a) To receive Declarations of Acceptance of Office.
- b) To receive and record notices disclosing pecuniary or non-pecuniary interests
- c) To receive and retain plans and documents
- d) To sign notices or other documents on behalf of the Council
- e) To receive copies of Bye-Laws made by the Unitary Council
- f) To receive copies of Bye-Laws made by the Council
- g) To issue summonses to attend meetings of the Council
- h) To record the proceedings of every meeting in a Minute Book and to ensure that the Minutes are confirmed and signed as a true record.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

5.* **QUORUM**

*THREE MEMBERS SHALL CONSTITUTE A QUORUM

If a quorum is not present when the Council meets, or if during a meeting the number of Councillors present and not debarred by reason of Declared Interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

6. **VOTING**

Members shall vote by show of hands, or if at least two members so request, by signed ballot.

7. * IF A MEMBER SO REQUIRES, THE CLERK SHALL RECORD THE NAMES OF THE MEMBERS WHO VOTED ON ANY QUESTION SO AS TO SHOW WHETHER THEY VOTED FOR OR AGAINST IT, OR ABSTAINED FROM VOTING.

8. * a) SUBJECT TO b) and c) BELOW THE CHAIRMAN MAY GIVE AN ORIGINAL VOTE ON ANY MATTER PUT TO THE VOTE, AND IN THE CASE OF AN EQUALITY OF VOTES MAY GIVE A CASTING VOTE EVEN THOUGH HE GAVE NO ORIGINAL VOTE.

* b) IF THE PERSON PRESIDING AT THE ANNUAL MEETING WOULD HAVE CEASED TO BE A MEMBER OF THE COUNCIL BUT FOR THE STATUTORY PROVISIONS WHICH PRESERVE THE MEMBERSHIP OF THE CHAIRMAN AND VICE-CHAIRMAN UNTIL THE END OF THEIR TERM OF OFFICE HE MAY NOT GIVE AN ORIGINAL VOTE IN AN ELECTION FOR CHAIRMAN.

* c) THE PERSON PRESIDING MUST GIVE A CASTING VOTE WHENEVER THERE IS AN EQUALITY OF VOTES IN AN ELECTION FOR CHAIRMAN.

9. **ORDER OF BUSINESS**

In an election year Councillors should execute Declarations of Acceptance in each others presence before the annual meeting commences. Any elected Councillor not present at the annual meeting should execute the Declaration in the presence of at least three other Councillors at the first meeting attended, in accordance with S.O.No11.

10. * AT EACH ANNUAL MEETING THE FIRST BUSINESS SHALL BE

* a) RECORDABLE & NON-RECORDABLE INTERESTS, DISPENSATIONS.

* b) TO ELECT A CHAIRMAN

* c) TO RECEIVE THE CHAIRMAN'S DECLARATION OF ACCEPTANCE OF OFFICE OR, IF NOT THEN RECEIVED, TO DECIDE WHEN IT SHALL BE RECEIVED.

d) To elect a Vice-Chairman

e) To appoint School Governors, if applicable

f) To elect a representative to the Cornwall Association of Local Councils.

11. * AT EVERY MEETING OTHER THAN THE ANNUAL MEETING THE FIRST BUSINESS SHALL BE RECORDABLE & NON-RECORDABLE INTERESTS, DISPENSATIONS THEN TO APPOINT A CHAIRMAN IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT AND TO RECEIVE SUCH DECLARATIONS OF ACCEPTANCE OF OFFICE (IF ANY) AS ARE REQUIRED BY LAW TO BE MADE, OR IF NOT THEN RECEIVED TO DECIDE WHEN THEY SHALL BE RECEIVED.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

- 12.** In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees as prescribed, viz.
- a) Clerk: in accordance with the nationally agreed scales for part-time Clerks.
 - b) Other employees: at hourly rates recommended by the Unitary Council, and revisions to commence at the beginning of the next financial year.
- 13.** After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows.
- * a) TO READ AND CONSIDER THE MINUTES, INCLUDING ANY MID_MONTH PLANNING MEETINGS: PROVIDING THAT IF A COPY HAS BEEN CIRCULATED TO EACH MEMBER NOT LATER THAN THE DAY OF ISSUE OF THE SUMMONS TO ATTEND THE MEETING, THE MINUTES MAY BE TAKEN AS READ.
 - * b) AFTER CONSIDERATION TO APPROVE THE MINUTES AND TO SIGN THEM BY THE PERSON PRESIDING AS A TRUE RECORD.
 - * c) TO DEAL WITH BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE
 - d) To deal with and, if possible, to dispose of business, if any, remaining from the last meeting.
 - e) To receive details of balance of accounts held and to consider and, if approved, to sign cheques for payment of accounts incurred.
 - f) To consider and resolve on Planning matters.
 - g) To consider resolutions and recommendations in the order which they have been notified.
 - h) To consider and, if possible, to resolve on business specified in the summons, and in the order in which it has been notified.
 - i) To receive communications. The Clerk shall inform the Council of all communications received and shall state from whom the communications originated and the salient points therein. The Clerk or Chairman shall read in full any communication if so requested by the Chairman or any Councillor and any reply sent on behalf of the Council.
This item to be taken as last business immediately before Any Other Relevant Business not requiring decisions at this meeting.
 - j) To exchange information, bring to the attention of the council any relevant matter, to give preliminary notification of any business for the next meeting, under the heading of Any Other Business.
 - * THE COUNCIL CANNOT LEGALLY DECIDE ON ANY ITEM UNDER "ANY OTHER BUSINESS" BECAUSE THESE WORDS DO NOT SPECIFY ANY ITEM OF BUSINESS
- 14.** A motion to vary the order of business on grounds of urgency
- a) may be proposed by the Chairman or by any other Councillor and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - b) shall be put to the vote without being discussed.

15. RULES OF DEBATE

Normal rules of debate should be observed. The custom whereby speeches are in the form addressed to the Chairman only should be used. Members should employ an impersonal mode of expression and refer to each other as "Councillor..."

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be by resolution and must be initialled by the Chairman.

- 16. a)** A resolution or amendment shall not be discussed unless it has been proposed and seconded.
- b) A member shall restrict his speech to the question under discussion or to a personal explanation or to a question or order.
- c) An amendment shall be either:
- (i) to leave out words
 - (ii) to leave out words and insert or add others
 - (iii) to insert or add words
- d) An amendment shall not have the effect of negating the motion before the Council.
- e) If an amendment shall be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- g) A member, other than the mover of a proposition, shall not without leave of the Council, speak more than once on a proposition except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- h) A member making a point of order or a personal explanation (confined to some material part of a former speech by him which may have been misunderstood) shall be heard forthwith.
- i) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless permission has been refused.
- j) When a resolution is under debate no other resolution shall be moved except the following:-
- (i) to amend the resolution
 - (ii) to proceed to the next business
 - (iii) To adjourn the debate
 - (iv) "that the question now be put"
 - (v) "that the resolution be referred to a committee"
 - (vi) to exclude the public and press
 - (vii) to adjourn the meeting

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

- 17.
- a) The ruling of the Chairman on a Point of Order or on the admissibility of a personal explanation shall not be discussed.
 - b) If two or more members wish to speak the Chairman shall call upon one of them to speak and the other shall remain silent.
 - c) Whenever the Chairman speaks during a debate all other members shall be silent.

18. **INVITATION TO SPEAK:**

- a) The Chairman may invite a Unitary Councillor to speak on any matter before the Council
- b) If any person in attendance has specialist knowledge of, or expertise in, the subject under discussion he may be invited to comment if so proposed, seconded and carried, but shall not take part in the discussion.
- c) If the Community Policeman or other similar official be present the Chairman may suspend the business of the Council to allow that person to report to the Council and hear representations from the Council and members of the public present.
- d) No person who may be heard under a) or b) above may propose, second or vote on any resolution and no person under b) above may take any part in the discussion of the merits or substance of the matter before the Council.

19. **CLOSURE**

At the end of any speech a member may, without comment, move "that the question now be put", "that the debate be now adjourned" or "that the Council do now adjourn".

If such a motion is seconded the Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated.

If the motion "that the question now be put" is carried he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

20. **DISORDERLY CONDUCT**

- a) No member at a meeting shall persistently disregard the ruling of the Chairman, wilfully obstruct business, refuse to sit at the tables reserved for the Members and the Clerk, behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

- c) If either of the motions mentioned in paragraph b) is disobeyed, the Chairman may suspend the meeting or take such further action as may reasonably be necessary to enforce them.

21. RIGHT OF REPLY

The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.

A member exercising a right of reply shall not introduce new matter.

After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

22. ALTERATION OF RESOLUTION

A member may, with the consent of his seconder, move amendments to his own resolution.

23. RESCISSION OF PREVIOUS RESOLUTION

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

24. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for any position to be filled by the Council, and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a new vote taken, and so on until a majority of votes is given in favour of one person.

25. DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded (see Standing Order No.47)

26. EXPENDITURE

- * ORDERS FOR THE PAYMENT OF MONEY SHALL BE AUTHORISED BY RESOLUTION OF THE COUNCIL AND THREE SIGNATORIES ON THE ACCOUNTS FOR PAYMENT SCHEDULE SHALL CONSTITUTE CERTIFICATION OF AUTHORITY TO PAY.

27. COMMITTEES

The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory conditions in that behalf:-

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

- a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
- b) may be subject to the provisions of Standing Order No.23 above at any time dissolve or alter the membership of a committee.

28. The Chairman or Vice- Chairman shall be a member of every committee.

29. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the committee is disbanded, subject to paragraph 27(a) above.

30. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

31. Except where ordered by the Council in the case of a committee, the quorum of a committee shall be three of its members.

32. The Standing Orders on rules of debate, admission of the public and press, and on interests of members shall apply to committee meetings.

33. VOTING IN COMMITTEES

Members of committees shall vote by show of hands, or, if at least two members so request, by signed ballot.

34. * CHAIRMEN OF COMMITTEES SHALL IN THE CASE OF AN EQUALITY OF VOTES HAVE A SECOND OR CASTING VOTE.

35. ACCOUNTS AND FINANCIAL STATEMENT

All accounts for payment and claims upon the Council shall be laid before the Council at the monthly meeting or at a special meeting called by the Chairman in cases of urgency.

36. The Clerk shall supply to the Council at the ordinary meeting after the end of the financial year a statement of receipts and payments and shall inform the Council of the balances held in each and every account at each of the Council's monthly meetings.

37. ESTIMATES

The Council shall approve written estimates for the coming financial year at its meeting in December. (Draft estimates shall be presented to the Council in the month of November)

38.* INTERESTS

ALL MEMBERS MUST OBSERVE THE 2012 CORNWALL CODE OF CONDUCT FOR CITY, COMMUNITY, PARISH AND TOWN COUNCILS, WHICH DEALS WITH INTERESTS AND THE REGISTERING OF INTERESTS.
THIS ORDER IS MANDATORY.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

39. If any member has any prejudicial interest, direct or indirect, within the meaning of The 2012 Cornwall Code Of Conduct For City, Community, Parish And Town Councils, in any contract, proposed contract, or any other matter, he shall, while it is under consideration by the Council, Declare the Interest at the commencement of the consideration of the business. The Council may invite him to remain after the Declaration of interest. All Declarations of interest under Standing Order No.39 shall be recorded in the book to be kept by the Clerk. (see S.O. No.40) Members making such a Declaration shall take no part in the discussion or in any vote on a resolution concerning the matter, and withdraw from the room, unless:-

- (a) The disability imposed on him by the Order has been removed by the Unitary Council Standards Committee (by way of dispensation): or
- (b) The contract, proposed contract or other matter is under discussion as part of a report of a committee and is not itself the subject of debate.

40. * THE CLERK SHALL RECORD IN A BOOK KEPT FOR THAT PURPOSE, PARTICULARS OF ANY DECLARATION GIVEN BY ANY MEMBER OR ANY OFFICER OF THE COUNCIL OF A PECUNIARY OR NON-PECUNIARY INTEREST IN A CONTRACT, PROPOSED CONTRACT, OR ANY OTHER MATTER. THE CLERK SHALL HOLD THE BOOK OF DECLARATIONS, AND THE BOOK SHALL BE OPEN DURING REASONABLE HOURS OF THE DAY FOR THE INSPECTION OF ANY MEMBER OR PARISHIONER.

41. * A MEMBER MUST REGISTER HIS FINANCIAL INTERESTS IN THE COUNCIL'S REGISTER WITHIN 28 DAYS OF HIS ELECTION OR APPOINTMENT TO OFFICE, OR WITHIN 28 DAYS OF BECOMING AWARE OF ANY CHANGES OR ADDITIONS TO SUCH INTERESTS. (see S.O. 38) THE CLERK SHALL HOLD THE REGISTER OF MEMBERS INTERESTS, AND THE REGISTER SHALL BE OPEN DURING REASONABLE HOURS OF THE DAY FOR THE INSPECTION OF ANY MEMBER OR PARISHIONER.

42. (a) If a candidate for any appointment under the control of the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council any such disclosure. Where relationship to a member is disclosed Standing Order No. 39 shall apply.

(b) Where a member has Declared any Interest in a matter in accordance with S.Os. No.41-42(a) then that member shall not be required to reveal the nature or relevance of that interest to the Council.

The Clerk shall make known the purport of this Standing Order to every candidate.

43. CANVASSING OF AND RECOMMENDATION BY MEMBERS

(a) Canvassing of members or of any committees, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such an appointment.

The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

(b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written submission of a candidate's ability, experience or character for submission to the Council with an application for appointment

44. Standing Orders Nos. 41 and 42 shall apply to tenders if the person making the tender were a candidate for an appointment.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

45. INSPECTION OF DOCUMENTS

A member may inspect any document in possession of the Council or a committee, and if copies are available shall, upon request, be supplied with a copy, subject to the payment of any reasonable costs incurred.

- 46. *** ALL MINUTES KEPT BY THE COUNCIL AND BY ANY COMMITTEE SHALL BE OPEN FOR INSPECTION OF ANY MEMBER OF THE COUNCIL.

47. UNAUTHORISED ACTIVITIES

No member of the Council or of any committee shall in the name of the Council or on its behalf

- (a) inspect lands or premises which the Council has a right or duty to inspect; or
 - (b) issue orders;
- unless authorised to do so by the Council or the relevant committee.

48. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- *** THE PUBLIC SHALL BE ADMITTED TO ALL MEETINGS OF THE COUNCIL AND ITS COMMITTEES WHICH MAY, HOWEVER, TEMPORARILY EXCLUDE THE PUBLIC BY MEANS OF THE FOLLOWING RESOLUTION, VIZ:-

"That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

(Notes: The special reasons should be stated. If a person's assistance or advice is needed he may be invited, by name, to remain after the exclusion resolution is passed.)

- 49.** The Clerk shall afford to the press reasonable facilities for taking their reports of any proceedings at which they are entitled to be present.
- 50.** If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the room.

51. CONFIDENTIAL BUSINESS

(a) No member of the Council or of any committee shall disclose to any person not a member of the Council any business or document declared to be confidential by the Council or the committee as the case may be.

(b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

52. LIAISON WITH THE UNITARY COUNCIL

A notice of meeting shall be sent together with an invitation to attend to the Unitary Councillor for the division.

- 53.** Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Unitary Council shall be transmitted to the Unitary Councillor for the division.

54. PLANNING APPLICATIONS

- (a) The Clerk shall, as soon as it is received, enter on computer hard disk the following particulars of every planning application notified to the Council:-
 - (i) the date on which it was received
 - (ii) the name of the applicant
 - (iii) the place to which it relates
 - (iv) a summary of the nature of the application
 - (v) any other relevant information
- (b) The Clerk shall refer every planning application to the Chairman, or in the Chairman's absence to the Vice-Chairman, within 48 hours of receiving it.

If both Chairman and Vice-Chairman are not available the Clerk shall refer to any other Councillor able to advise on the particular application.

55. STANDING ORDERS ON CONTRACTS AND TENDERS

- (a) Where it is intended to enter into a contract exceeding £2500 for the supply of materials or the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.
- (b) The Council shall require all Tenders to be submitted to the Clerk in sealed envelopes clearly marked with the name and addresses of the tenderer and any other identifying mark that the Council may require to distinguish the Tender from other correspondence.
- (c) Tenders shall be opened by the Clerk or other person to whom Tenders are required to be addressed and shall be reported by the person who opened them to the Council.
- (d) Neither the Council nor any committee is bound to accept the lowest or any Tender.
- (e) If insufficient Tenders are received those Tenders which have been received shall be returned unopened to the tenderer(s).
- (f) If no Tenders are received or if all the Tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

56. CODE OF CONDUCT ON COMPLAINTS

The Council (and individual members) shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner shown in The Parish Councils (Model Code of Conduct) Order 2001.

57. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

Any or every part of Standing Orders except those marked and PRINTED IN CAPITAL LETTERS may be suspended by resolution in relation to any specific item of business.

(CUBERT PARISH COUNCIL STANDING ORDERS continued)

58. A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
59. **STANDING ORDERS TO BE GIVEN TO MEMBERS**
A copy of these Standing Orders shall be given to each member by the Clerk when the original Declaration of Acceptance of Office is signed.