

St Ive Parish Council



Standing Orders and Financial Regulations

Amended September 2012

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ST IVE PARISH COUNCIL **STANDING ORDERS**

Meetings

1. Meetings of the Council shall be held alternatively at Millennium House, Pensilva and St Ive Village Hall at seven thirty o'clock in the evening unless the Council otherwise decides at a previous meeting.
2. The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the second Monday in May.
3. The three other statutory meetings shall be held on the second Monday in the months of May, June and July.
4. Nine additional meetings shall be held on the second Monday in the months of August to April inclusive.

Chairman of the Meeting

5. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

Proper Officer

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:
 - a. To receive declarations of acceptance of office.
 - b. To receive and record notices disclosing interests at meetings.
 - 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 bylaws made by another local authority.
 - f. To receive copies of bylaws made by the Council
 - g. To sign and issue the summons to attend meetings of the Council.

- h. To keep public books, writings and papers of the Council.

Quorum of the Council

7. Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
8. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
For a quorum relating to a committee or sub-committee, please refer to Standing Order 47.

Voting

9. Members shall vote by a show of hands or, if at least two members so request, by signed ballot.
10. 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. Such a request must be made before moving on to the next business.
11. (1) Subject to (2) and (3) 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 whether or not he gave an original vote.
(2) 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.
(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Order of Business

12. At each annual meeting the first business shall be:
 - a. To elect a Chairman of the Council
 - b. To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
 - c. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - d. To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - e. To elect a Vice-Chairman of the Council.
 - f. To appoint representatives to outside bodies.
 - g. To appoint committees and sub-committees.
 - h. To consider the payment of any subscriptions falling to be paid annually.
 - i. To inspect any deeds and trust instruments in the custody of the Council as required; and shall therefore follow the order set out in Standing Order 15.
13. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received, to decide when they shall be received.
14. In every year, not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees. (See standing Order 38, below).
15. 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: provided 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 considered as read.

- b. After consideration to approve the signature of the minutes by the person presiding as a correct record.
 - c. To deal with business expressly required by statute to be done.
 - d. To dispose of business, if any, remaining from the last meeting.
 - e. To receive such communications as the person presiding may wish to lay before the Council.
 - f. To answer questions from Councillors
 - g. To receive and consider reports and minutes of committees.
 - h. To receive and consider resolutions or recommendations in the order in which they have been notified.
 - i. To authorise the signing of orders for payment (This will be unnecessary if there is a finance committee).
 - j. To consider resolutions or recommendations in the order in which they have been notified.
 - k. Any other business specified in the summons. (The summons to a meeting of a Local Council must by law specify the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify an item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under "A.O.B." or the giving of preliminary notification of important business for next time).
16. A motion to vary the order of business on the grounds of urgency:
- a. may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - b. shall not be put to the vote without discussion.

Resolutions Moved on Notice

17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on

the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered notice to the Clerk at least seven clear days before the next meeting of the Council.

18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
21. If the subject matter of a resolution comes within a province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or such other committee as the Council may determine for report; provided that the Chairman, if he considers it a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
22. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

Resolutions Moved Without Notice

23. Resolutions dealing with the following matters may be moved without notice:
 - a. To appoint a Chairman of the meeting
 - b. To correct the Minutes
 - c. To approve the Minutes
 - d. To alter the order of business
 - e. To proceed to the next business
 - f. To close or adjourn the debate

- g. To refer a matter to a committee
- h. To appoint a committee or any member thereof
- i. To adopt a report
- j. To authorise the sealing of documents
- k. To amend a *motion*
- l. To give leave to withdraw a resolution or amendment
- m. To extend the time limit for speeches
- n. To exclude the press and public (see Order 68 below)
- o. To silence or eject from the meeting a named Councillor for misconduct (see Order 70 below)
- p. To give the consent of the Council where such consent is required by these Standing Orders.
- q. To suspend any Standing Order
- r. To adjourn the meeting

Questions

- 24. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided 7 clear days notice of the question has been given to the person to whom it is addressed.
- 25. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom the question has been put may decline to answer.

Rules of Debate

- 28. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- 29.
 - a. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has been given, it shall, if required by the Chairman, be reduced to

- writing and handed to him before it is further discussed or put to the meeting.
- b. A member when seconding a resolution may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - c. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - d. No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed one minute except by consent of the Council.
 - e. An amendment shall be either:
 - i. To leave out words
 - ii. To leave out words and insert others
 - iii. To insert or add words.
 - f. An amendment shall not have the effect of negating the resolution before the Council.
 - g. If an amendment 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.
 - h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - i. The mover of a resolution or an amendment shall have a right of reply not exceeding three minutes.
 - j. A member, other than the mover of the resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - k. A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
 - l. 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 such permission has been refused.

- m. 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 a member named be not further heard
 - vi. That a member named leave the meeting
 - vii. That the resolution be referred to a committee
 - viii. To exclude the public and press
 - ix. To adjourn the meeting
30. A member shall remain seated when speaking unless requested to stand by the Chairman.
- a. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed
 - b. Members shall address the Chairman
 - c. If two or more members indicate that they wish to speak the Chairman shall decide who to call upon.
 - d. Whenever the Chairman speaks during a debate all other members shall be silent.

Closure

31. At the end of any speech a member may, without comment, move "that the question be now 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, "*that the question be now put*", 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 that 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.

Disorderly Conduct

32. All members must observe the Code of Conduct (interim) which was adopted by the council on 9th July 2012 and any subsequent amendment thereof a copy of which is annexed to these Standing Orders.
- a. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
 - 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. If a member reasonably believes another member is in breach of the code of conduct, that member is under duty to report the breach to the Standards Board.
 - c. If either of the motions in paragraph (b) is disobeyed the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

Right of Reply

33. The mover of a resolution shall have a right of 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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of a Resolution

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

Rescission of Previous Resolution

- 35.

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

Voting on Appointments

36. 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 fresh vote taken, and so on until a majority of votes is given in favour of one person.

Discussions and Resolutions Affecting

Employees of the Council

37. 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 68).

Resolutions on Expenditure

38. Any resolution (which is moved otherwise than a pursuance of recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and

any committee affected by it shall consider whether it *desires* to report thereon (and the Finance Committee shall report on the financial aspects of the matters).

Expenditure

39. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

Sealing of Documents

- 40.
- a. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution
 - b. Any two members of the Council named in resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

Committees and Sub-Committees

41. 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 provision in that behalf:
- a. Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
 - b. May appoint persons other than members of the Council to any Committee; and
 - c. may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee
42. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
43. 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 next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
44. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time.

An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

45. Every committee may appoint sub-committees for purposes specified by the committee.
46. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
47. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or subcommittee shall be half of its members.
48. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

Advisory Committees

49. a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
 - b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
 - c) An advisory committee may make recommendations and give notice thereof to the Council.
 - d) An advisory committee may consist wholly of persons who are not members of the Council.

Voting in Committees

50. Members of committees and sub-committees entitled to vote, shall vote by a show of hands, or, if at least two members so request, by written ballot.

51. Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

Presence of non-members of Committees at Committee Meetings

52. A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

53. Accounts and Financial Statement

a. Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

b. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.

c. All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

54. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts to the Council (which is subject to internal audit) shall be presented to the Council for formal approval before the end of the following month of September.

Estimates/Precepts

55.

a. The Council shall approve written estimates for the coming financial year at its meeting in the month of December.

- b. Any committee desiring to incur expenditure shall not later than 1st November give to the Clerk a written estimate of the expenditure recommended for the coming year.

Interests

56. If any member has a personal interest, as defined by the Code of Conduct adopted by the Council on (9th July 2012) then he shall declare such interest as soon as it becomes apparent, disclosing the existence and the nature of that interest as required.
57. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
58. The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
59. If a candidate for any appointment under 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 an appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosures. Where the relationship to a member is disclosed Standing Orders 60 and 61 shall apply as appropriate..

The Clerk shall make known the purport of Standing Orders 60 and 61 to every candidate.

60. **Canvassing and Recommendations by Members**
 - a. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidates for such 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 or of any committee 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 testimonial of a candidate's ability, experience or character for submission to the Council with application for appointment.

61. Standing Orders nos. 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Inspection of Documents

62. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, upon request, be supplied for the like purpose with a copy.
63. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

Correspondence

64. It is the function of the Parish Clerk and Responsible Financial Officer to issue correspondence in the name of or on behalf of the Parish Council for their respective areas of responsibility. No member of the Council or any committee or sub-committee shall issue correspondence in the name or on behalf of the Council unless authorised to do so by the Council.
65. A member may for the purpose of his duty as such (but not otherwise) issue correspondence relating to their individual role as a Parish Councillor.
66. A copy of any correspondence issued by or received by a Parish Councillor must be sent to the Parish Clerk within three working days or, where the correspondence relates to the role or activities of the Parish Clerk, to the Chairman of the Parish Council.

Unauthorised activities

67. No member of the Council or any committee or sub-committee shall in the name of or on behalf of the Council:
- a. Inspect any lands or premises which the Council has a right or duty to inspect; or
 - b. Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

Admission of the Public and the Press to Meetings

68. The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions:-

“That in view of the special or 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 reason for the exclusion should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion is passed.)

69. The Clerk shall afford the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

70. If a member of the public interrupts the proceedings of any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber and may adjourn the meeting for such period as is necessary to restore order.

Confidential Business

71.

- a. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-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 or sub-committee of the Council by the Council.

Liaison with County Councillors

72. A summons and Agenda for each meeting shall be sent, together with an invitation to attend to the Cornwall Councillor for the ward.
73. Unless the Council otherwise orders, a copy of each letter ordered to be sent to Cornwall Council shall be transmitted to the Cornwall Councillor for the ward as the case may require.
74. **Planning Applications**
- a. The Clerk shall, as soon as it is received, enter in a book kept for the purpose 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
 - 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.

Standing Orders on Contracts

- 75.
- a. Where it is intended to enter into a contract exceeding £1,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice meetings of the Council is given, except in the event of an extreme emergency.
Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by Cornwall Council, or if no such list is maintained then in such newspapers circulating in the District as the Council shall direct.

- b. A minimum of three tenders must be obtained for contracted works.
- c. Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- d. Neither the Council or any committee, or sub committee is bound to accept the lowest tender.
- e. 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.
- f. A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders Nos. 60, 61 and 62 (for a draft see part 111 below)

(Notes: Some Standing Order must be made for contracts for the supply of goods or the execution of works: these standing orders can be extended to other contracts by specifying them at *)

Code of Conduct or Complaints

76. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner recommended in Circular 2/86 issued by the National Association of Local Councils.

Variation, Revocation and Suspension of Standing Orders

77. Any or part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item or business.

78. A resolution permanently to add vary or evoke a Standing Order shall be proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

79. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

St Ive Parish Council Standing Orders