

**CONSTANTINE PARISH COUNCIL**  
**STANDING ORDERS**

# CONSTANTINE PARISH COUNCIL

## STANDING ORDERS

### 1. MEETINGS

- 1.1. Meetings of the council shall be held in The Vestry, Constantine at 19:00 unless the council otherwise decides at a previous meeting.
- 1.2. **The Statutory Annual Meeting (a) in an election year shall be held on the fourth day after the date of the election or within fourteen days thereafter and (b) in a year, which is not an election year, shall be held on any day in May.**
- 1.3. **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 directs.**

### 2. CHAIRMAN OF MEETING

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

### 3. PROPER OFFICER

- 3.1. 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
- 3.2. The Proper Officer shall
  - i. **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 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).**
  - ii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office**
  - iii. Make available for inspection the minutes of meetings.
  - iv. **Receive and retain declarations of acceptance of office from councillors.**
  - v. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - vi. Keep proper records required before and after meetings;
  - vii. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - ix. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - x. Arrange for legal deeds to be signed by 2 councillors and witnessed
  - xi. 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.

#### 4. QUORUM

- 4.1. **Four members shall constitute a quorum.**
- 4.2. 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 pecuniary interest, falls below the quorum the business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chairman may fix.

#### 5. VOTING

- 5.1. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
- 5.2. **If a member so requires, the Clerk shall record the names of the members who vote on any question so as to show whether they voted for or against it.**
  - 5.2.1. **Subject to (5.2.2) and (5.2.3) 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 even though he gave no original vote.**
  - 5.2.2. **If the person presiding at the Annual Meeting would have ceased to be a member of the council but for statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term in office he/she may not give an original vote in an election for Chairman.**
  - 5.2.3. **The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

#### 6. ORDER OF BUSINESS

*(In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or of a proper officer previously authorised by the Council to take such declaration before the annual meeting commences.)*

- 6.1. **At each Annual Meeting the first business shall be**
  - 6.1.1. **To elect a Chairman.**
  - 6.1.2. **To receive the Chairman's declaration of Acceptance of office or, if not received, to decide when it shall be received.**
  - 6.1.3. **To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.**
  - 6.1.4. To elect a Vice-Chairman.
  - 6.1.5. To appoint committees and representatives.
- 6.2. **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) as are required by law to be made, or if not then received to decide when they shall be received**
- 6.3. In every other 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 11 below.)*
- 6.4. After the first business has been considered, the order of business, unless the Council otherwise decides, shall be as follows:-
  - 6.4.1. 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 taken as read.
  - 6.4.2. **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - 6.4.3. **To deal with business expressly required by statute to be done.**
  - 6.4.4. To dispose of business, if any, remaining from the last meeting.

- 6.4.5. To receive such communications as the person presiding may wish to lay before the Council.
- 6.4.6. To answer questions.
- 6.4.7. To receive and consider reports and minutes of committee.
- 6.4.8. To receive and consider reports from officers of the Council.
- 6.4.9. To authorise the signing of orders for payment.
- 6.4.10. To consider resolutions or recommendations in the order in which they have been notified.
- 6.4.11. Any other business specified in the summons.
- 6.5. A motion to vary the order of business on the ground of urgency
  - 6.5.1. 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
  - 6.5.2. shall be put to the vote without discussion.

## **7. RESOLUTIONS WITHOUT NOTICE**

- 7.1. Resolutions dealing with the following matters may be moved without notice:-
  - 7.1.1. To appoint a Chairman of the meeting.
  - 7.1.2. To correct the Minutes.
  - 7.1.3. To approve the Minutes.
  - 7.1.4. To alter the order of business.
  - 7.1.5. To proceed to the next business.
  - 7.1.6. To close or adjourn the debate.
  - 7.1.7. To appoint a committee or any members thereof.
  - 7.1.8. To adopt a report.
  - 7.1.9. To amend a resolution.
  - 7.1.10. To give leave to withdraw a resolution or an amendment,
  - 7.1.11. To exclude the public.  
*(See Standing Order 21.1 below.)*
  - 7.1.12. To silence or eject from the meeting a member named for misconduct.  
*(See Standing Order 9 below.)*
  - 7.1.13. To invite a member having an interest in the subject matter under a debate to remain.  
*(See Standing Order 17.3 below.)*
  - 7.1.14. To give the consent of the Council where such a consent is required by these Standing Orders.
  - 7.1.15. To suspend any Standing Order.  
*(See Standing Order 27 below.)*

## **8. CORRECTIONS TO MINUTES**

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

## **9. DISORDERLY CONDUCT**

- 9.1. 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 scandalise the Council or bring it into contempt or ridicule.
- 9.2. If, in the opinion of the Chairman, a member has broken the provision of item (9.1) of this Order, the Chairman shall express the 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.

- 9.3. If either of the motions mentioned in item (9.2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

## **10. VOTING ON APPOINTMENTS**

- 10.1. 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.

## **11. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

- 11.1. 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 21.1.*)

## **12. EXPENDITURE**

- 12.1. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members under Section 6 of the Financial Regulations.**

## **13. COMMITTEES AND SUB-COMMITTEES**

- 13.1. The Council may at the Annual Meeting appoint standing committees and at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- 13.1.1. Shall not appoint any member of a committee so as to hold office later than the Annual Meeting, and
- 13.1.2. May at any time dissolve or alter the membership of the committee.
- 13.2. The Chairman and Vice-Chairman shall be members of every committee.
- 13.3. 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.
- 13.4. 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 no 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.
- 13.5. Every committee may appoint sub-committees for purposes to be specified by the committee.
- 13.6. 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.
- 13.7. 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 sub-committee shall be one-half of its members.

## **14. VOTING IN COMMITTEES**

- 14.1. Members of committees and sub-committees shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 14.2. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

## **15. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

- 15.1. 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.

## **16. ACCOUNTS AND FINANCIAL STATEMENT**

- 16.1. As laid down in the Financial Regulations.-

## **17. INTERESTS**

- 17.1. Within twenty-eight days of election or appointment to office a Member must register his financial and other interests in the Authorities' Register maintained under the Localism Act 2011 by providing written notification to the Clerk to the Council who shall forward a copy to Authority's Monitoring Officer.
  - 17.1.1 Written notification of any change to this document must be notified to the Clerk to the Council within twenty-eight days and the Clerk to the Council shall forward a copy to Authority's Monitoring Officer.
- 17.2. A member shall provide written notification to the Clerk to the Council who shall forward a copy to Authority's Monitoring Officer of the existence and nature of any gifts or hospitality over the value of £25.00 received as a result of being a member of the Council within twenty-eight days of receiving such gift or hospitality.
- 17.3. If any member has either a Registrable or a Non-Registrable interest in any matter within the meaning of the Parish Council's Code of Conduct he/she shall declare the existence and nature of that interest at the commencement of the meeting or when the interest becomes apparent and shall withdraw from the room where the meeting is being held unless in the case of a Non-Registrable Interest
  - 17.3.1 he/she has obtained a dispensation to speak about the matter from the Clerk
  - 17.3.2 the chairman of the meeting permits the member to speak about the matter
  - 17.3.3 but nevertheless he/she shall not seek improperly to influence the decision about that matter and having spoken about it shall withdraw from the room.
- 17.4. The Clerk shall record in the minutes of the meeting, particulars of both personal and personal and prejudicial interests declared by any member**
- 17.5. If a candidate for any appointment under the Council is to his knowledge related to any member of or holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 18.2 shall apply.  
The Clerk shall make known the purport of this Standing Order to every candidate.

## **18. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- 18.1. Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph to every candidate.
- 18.2. 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 testimonial for submission to the Council with an application for appointment.

## **19. INSPECTION OF DOCUMENTS**

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

## **20. UNAUTHORISED ACTIVITIES**

- 20.1. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
  - 20.1.1. Inspect any lands or premises which the Council has a right or duty to inspect;
  - 20.1.2. Unless authorised to do so by the Council or the relevant committee or sub-committee.

## **21. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

- 21.1 **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**
- 21.2 Subject to standing order 21.1 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda
- 21.3 **In accordance with standing order 22.1 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**

## **22. Filming and recording meetings**

- 22.1 Whilst a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may :
  - 22.1.1 film, photograph or make an audio recording of a meeting;
  - 22.1.2 use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - 22.1.3 report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- 22.2 Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- 22.3 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.
- 22.4 Disruptive behaviour
  - 22.4.1 No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - 22.4.2 If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the 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.
  - 22.4.3 If a resolution under standing order 22.4.3 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.
- 22.5 Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

**23. CONFIDENTIAL BUSINESS**

- 23.1 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.
- 23.2 Any member in breach of the provision of item (23.1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

**24. LIAISON WITH CORNWALL COUNCILLORS**

- 24.1 A notice of meeting shall be sent together with an invitation to attend to the Cornwall Councillor for the ward.

**25. STANDING ORDER ON CONTRACTS**

As laid down in the Financial Regulations

**26. CODE OF CONDUCT ON COMPLAINTS**

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

**27. VARIATION REVOCATION AND SUSPENSION OF STANDING ORDERS**

- 27.1 Any or every part of the Standing Orders, except those printed in **bold type**, may be suspended by resolution in relation to any specific item of business.
- 27.2 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.

**28. STANDING ORDERS TO BE GIVEN TO MEMBERS**

- 28.1 **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.**

Chairman.....

Adopted by the Council on October 16, 2014

Minutes reference.....