

**St Mellion Parish Council
Standing Orders
Adopted: 13th December 2016**

Based upon NALC's model Standing Orders 2013 with subsequent amendments. Standing Orders in bold type contain statutory requirements.

No.	Standing Order	Page
1	Rules of debate at meetings	1-3
2	Disorderly conduct at meetings	3
3	Meetings generally	3-6
4	Committees and sub-committees	6
5	Ordinary Parish Council meetings	6-8
6	Extraordinary meetings of the Parish Council, committees and sub-committees	8
7	Previous resolutions	8
8	Voting on appointments	8
9	Motions for a meeting that require written notice be given to Proper Officer	9
10	Motions at a meeting that do not require written notice	9-10
11	Handling confidential or sensitive information	10
12	Draft minutes	10
13	Code of Conduct and dispensations	10-11
14	Code of Conduct complaints	11-12
15	Proper Officer	12-13
16	Responsible Financial Officer	13
17	Accounts and accounting statements	13-14
18	Financial controls and procurement	14-15
19	Handling staff matters	15
20	Requests for information	15-16
21	Relations with the press/media	16
22	Execution and sealing of legal deeds	16
23	Communicating with District, County or Unitary Councillors	16
24	Restrictions on Councillor activities	16
25	Standing Orders generally	16-17
26	Remote Meetings Protocol & Procedures (April 2020 temporary under Covid 19)	18-19

1. Rules of debate at meetings

a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.

b. A motion (including an amendment) shall not be progressed unless it has been moved (proposed) and seconded.

c. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the

meeting as withdrawn.

d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting (Parish Council).

e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.

g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, expressed in writing to the Chair.

h. A Councillor may move an amendment to his own motion if agreed by the meeting (Parish Council). If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting (Parish Council).

i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.

j. Subject to Standing Order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.

k. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.

l. A Councillor may not move more than one amendment to an original or substantive motion.

m. The mover of an amendment has no right of reply at the end of debate on it.

n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o. Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another Councillor;
- ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;
- iii. to make a point of order;
- iv. to give a personal explanation; or
- v. in exercise of a right of reply.

p. During the debate of a motion, a Councillor may interrupt only on a point of order or 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 other irregularity in the proceedings of the meeting he/she is concerned by.

q. A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.

r. When a motion is under debate, no other motion shall be moved except:

- i. to amend the motion;

- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be no longer heard or to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting; or
- ix. to suspend a particular Standing Order(s) excepting those which reflect mandatory statutory requirements.

s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been debated sufficiently and that the mover of the motion under debate has exercised or waived his/her right of reply.

t. Excluding motions moved under Standing Order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chair of the meeting.

2. Disorderly conduct at meetings

a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.

b. If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c. If a resolution made under Standing Order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

FC = full Parish Council; C = committee; SC = sub-committee

FC	C	SC	
Y			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.
Y			b. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
	Y		c. The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting. [Note: this is a statutory requirement but worded differently to statute.]

FC	C	SC		
Y	Y		d.	Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
			e.	Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
			f.	The period of time designated for public participation at a meeting in accordance with Standing Order 3(e) shall not exceed 15 minutes unless directed by the Chair of the meeting.
			g.	Subject to Standing Order 3(f), a member of the public shall not speak for more than five minutes.
			h.	In accordance with Standing Order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
			i.	A person shall raise his/her hand when requesting to speak and stand when speaking (except when they have a disability or are likely to suffer discomfort). At any time, the Chair of the meeting may permit a person to be seated when speaking.
			j.	A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.
			k.	Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
			l.	Intentionally left blank.
Y	Y		m.	The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
Y			n.	Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Parish Council may in his absence be done by, to or before the Vice Chair of the Parish Council.
Y			o.	The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair, if present, shall preside. If both the Chair and the Vice Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
Y	Y	Y	p.	Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.
Y	Y	Y	q.	The Chair of a meeting may give an original vote on any matter put to the vote and, in the case of an equality of votes, may exercise his/her casting vote whether or not he/she gave an original vote. See Standing Orders 5(i) and (j) for the different rules that apply in the election of the Chair of the Parish Council at the Annual Meeting of the Parish Council.

FC	C	SC		
			r.	Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
			s.	The minutes of a meeting shall include an accurate record of the following: the time and place of the meeting; the names of Councillors present and absent; interests that have been declared by Councillors and non-Councillors with voting rights; whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered; if there was a public participation session; and the resolutions made.
Y	Y	Y	t.	A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Parish Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on his/her right to participate and vote on that matter.
Y			u.	No business may be transacted at a meeting unless at least one-third of the whole number of members of the Parish Council are present and in no case shall the quorum of a meeting be less than three. See Standing Order 4d(viii) for a committee or sub-committee meeting quorum.
Y	Y	Y	v.	If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
			w.	A meeting shall not exceed a period of three hours.

3(x) Filming and recording meetings

i. Whilst a meeting of the Parish Council, its committees or sub-committees is open to the public, any person, if present, may: film, photograph or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

ii. Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the Parish Council, its committees and sub-committees.

iii. 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 Parish Council has resolved to exclude the press and public.

iv. 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.

v. If a person(s) disregards the request of the Chair of the meeting to moderate or improve their behaviour, any Councillor or the Chair 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.

vi. If a resolution under Standing Order 3(v) is ignored, the Chair 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.

vii. Members of the Parish Council recording meetings are reminded of their obligations under the Parish Council's Code of Conduct in respect of confidential matters.

4. Committees and sub-committees

a. Unless the Parish Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b. The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Parish Council.

c. Unless the Parish Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.

d. The Parish Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next Annual Meeting of the Parish Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. subject to Standing Orders 4(b) and (c), shall appoint and determine the terms of office of members of such a committee;
- v. subject to Standing Orders 4(b) and (c), may appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer three days before the meeting that they are unable to attend;
- vi. after it has appointed the members of a standing committee, shall appoint the Chair of the standing committee;
- vii. shall permit a committee other than a standing committee to appoint its own Chair at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

5. Ordinary Parish Council meetings

a. In an election year, the Annual Meeting of the Parish Council shall be held on, or within, 14 days following the day on which the new Councillors elected take office.

b. In a year that is not an election year, the Annual Meeting of the Parish Council shall be

held on such day in May as the Parish Council may direct.

c. If no other time is fixed, the Annual Meeting of the Parish Council shall take place at 6pm.

d. In addition to the Annual Meeting of the Parish Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Parish Council directs.

e. Intentionally left blank.

f. The first business conducted at the Annual Meeting of the Parish Council shall be the election of the Chair and Vice Chair of the Parish Council.

g. The Chair of the Parish Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting of the Parish Council until his/her successor is elected at the next Annual Meeting of the Parish Council.

h. The Vice Chair of the Parish Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Parish Council at the next Annual Meeting of the Parish Council.

i. In an election year, if the current Chair of the Parish Council has not been re-elected as a member of the Parish Council, he/she shall preside at the meeting until a successor Chair of the Parish Council has been elected. The current Chair of the Parish Council shall not have an original vote in respect of the election of the new Chair of the Parish Council but must give a casting vote in the case of an equality of votes.

j. In an election year, if the current Chair of the Parish Council has been re-elected as a member of the Parish Council, he/she shall preside at the meeting until a new Chair of the Parish Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Parish Council and must give a casting vote in the case of an equality of votes.

k. Following the election of the Chair of the Parish Council and Vice Chair of the Parish Council at the Annual Meeting of the Parish Council, the business of the Annual Meeting of the Parish Council shall include the following.

- i. **In an election year, delivery by the Chair of the Parish Council and Councillors of their Acceptance of Office forms unless the Parish Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Parish Council of his/her Acceptance of Office form unless the Parish Council resolves for this to be done at a later date.**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Parish Council.
- iii. Receipt of the minutes of the last meeting of a committee.
- iv. Consideration of the recommendations made by a committee.
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities.
- vi. Review of the terms of reference for committees.
- vii. Appointment of members to existing committees.
- viii. Appointment of any new committees in accordance with Standing Order 4.
- ix. Review and adoption of appropriate Standing Orders and Financial Regulations.
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by

other local authorities.

- xi. Review of representation on or work with external bodies and arrangements for reporting back.
- xii. In an election year, to make arrangements with a view to the Parish Council becoming eligible to exercise the general power of competence in the future.
- xiii. Review of inventory of land and assets including buildings and office equipment.
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks.
- xv. Review of the Parish Council's and/or staff subscriptions to other bodies.
- xvi. Review of the Parish Council's complaints procedure.
- xvii. Review of the Parish Council's procedures for handling requests made under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.
- xviii. Review of the Parish Council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full Parish Council up to, and including, the next Annual Meeting of the Parish Council.

6. Extraordinary meetings of the Parish Council and committees and sub-committees

a. The Chair of the Parish Council may convene an extraordinary meeting of the Parish Council at any time.

b. If the Chair of the Parish Council does not, or refuses to, call an extraordinary meeting of the Parish Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Parish Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

c. The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.

d. If the Chair of a committee (or a sub-committee) does not, or refuses to, call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee (or the sub-committee), any two members of the committee (or the sub-committee) may convene an extraordinary meeting of a committee (or a sub-committee).

7. Previous resolutions

a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two Councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

b. When a motion moved pursuant to Standing Order 7(a) has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

a. Where more than two persons have been nominated for a position to be filled by the Parish Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for and, in any event, shall relate to the performance of the Parish Council's statutory functions, powers and obligations or an issue which specifically affects the Parish Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least five clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer, before including a motion on the agenda received in accordance with Standing Order 9(b), may correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. Subject to Standing Order 9(e), the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded in a log for that purpose and numbered in the order that they are received.
- h. Motions rejected shall be recorded in a log for that purpose with an explanation by the Proper Officer for their rejection.

10. Motions at a meeting that do not require written notice

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to prevent a Councillor or member of the public from speaking further;
 - xiii. to exclude a Councillor or member of the public for disorderly conduct;
 - xiv. to suspend the meeting temporarily;

- xv. to suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

- a. The agenda, papers that support the agenda, and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which, for special reasons, would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which, for special reasons, would not be in the public interest.

12. Draft minutes

- a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 10(a).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:
"The Chair of this meeting does not believe that the minutes of the meeting of the [insert Parish Council, committee, sub-committee name] held on [insert date] in respect of [insert business being transacted] are a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, hard and soft copies of the draft minutes of the meeting for which approved minutes exist shall be destroyed. Where the Parish Council has decided to make an audio and/or video recording of a meeting (i.e. under the Openness of Local Government Bodies Regulations 2014), this will be retained for five years,
- f. As per the Local Audit and Accountability Act 2014 (Transparency Code for Smaller Authorities), draft minutes from all formal meetings (i.e. full council, committee and sub-committee meetings) must be posted on the Parish Council's website not later than one month after the meeting has taken place. These minutes should be signed either at the meeting they were taken or at the next meeting. In addition, draft minutes on the Parish Council's website will be replaced with approved minutes within two weeks of their approval.

13. Code of Conduct and dispensations

See also Standing Order 3(t).

- a. All Councillors and non-Councillors with voting rights shall observe the Code of Conduct

adopted by the Parish Council.

b. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from the meeting room when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she has the interest. The Chair also may agree to move the relevant matter(s) to the end of the agenda so that Councillors or non-Councillors do not have to return to the meeting having left it.

c. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from the meeting room when it is considering a matter in which he/she has another interest if so required by the Parish Council's Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she has the interest. The Chair also may agree to move the relevant matter(s) to the end of the agenda so that Councillors or non-Councillors do not have to return to the meeting having left it.

d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e. A decision as to whether to grant a dispensation shall be made by a meeting of the Parish Council, or committee or sub-committee for which the dispensation is required and that decision is final.

f. A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to allow a Councillor's or non-Councillor's participation in a discussion only, or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

Subject to Standing Orders 13(d) and (f), dispensation requests shall be considered at the beginning of the meeting of the Parish Council, or committee or a sub-committee for which the dispensation is required.

g. A dispensation may be granted in accordance with Standing Order 13(e) if, having regard to all relevant circumstances, the following applies:

- i. **without the dispensation, the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or**
- ii. **granting the dispensation is in the interests of persons living in the Parish Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of Conduct complaints

a. Upon receiving notification from Cornwall Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Parish Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Parish Council.

b. Where the notification in Standing Order 14(a) relates to a complaint made by the Proper

Officer, the Proper Officer shall notify the Chair of Parish Council of this fact, and the Chair shall nominate a Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Parish Council has agreed what action, if any, to take in accordance with Standing Order 14(d).

c. The Parish Council may, as required:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

d. Upon notification by Cornwall Council that a Councillor or non-Councillor with voting rights has breached the Parish Council's Code of Conduct, the Parish Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.

15. Proper Officer

a. The Proper Officer shall be either (i) the Clerk or (ii) another person nominated by the Parish Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b. The Proper Officer shall:

i. at least three clear days before a meeting of the Parish Council and/or a committee serve on Councillors a summons, by email, **confirming the time, place and the agenda** provided any such email contains the electronic signature and title of the Proper Officer.

See Standing Order 3(b) for the meaning of clear days for a full Parish Council meeting and 3(c) for a committee meeting.

ii. give public notice of the time, place and agenda at least three clear days before a meeting of the Parish Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Parish Council convened by Councillors is signed by them);

See Standing Order 3(b) for the meaning of clear days for a full Parish Council meeting and 3(c) for a committee meeting.

iii. subject to Standing Order 9, include on the agenda all motions received unless a Councillor has given written notice at least three clear days before the meeting confirming his/her withdrawal of it;

iv. convene a meeting of the full Parish Council for the election of a new Chair of the Parish Council, occasioned by a casual vacancy in his/her office;

v. facilitate inspection of the minutes by local government electors;

vi. receive and retain copies of byelaws made by other local authorities;

vii. retain Acceptance of Office forms from Councillors;

viii. retain a copy of every Councillor's Register of Interests;

ix. assist with responding to requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004 in accordance with, and subject to, the Parish Council's policies and procedures relating to the same¹;

x. receive and send general correspondence and notices on behalf of the Parish Council except where there is a resolution to the contrary;

xi. manage the organisation, storage of, access to and destruction of information held by the

¹ St Mellion Parish Council's Publication Scheme 14th January 2014.

Parish Council in paper and electronic form;

xī. arrange for legal deeds to be executed;

See also Standing Order 22.

xīi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Parish Council in accordance with its Financial Regulations;

xīv. record every planning application notified to the Parish Council and its response to the local planning authority;

xīv. refer a planning application received by the Parish Council to the Chair or, in his/her absence, the Vice Chair, within two working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the Parish Council;

xīi. manage access to information about the Parish Council via the Publication Scheme;

and

xīi. retain custody of the seal of the Parish Council (if any) which shall not be used without a resolution to that effect.

See also Standing Order 22.

16. Responsible Financial Officer

a. The Responsible Financial Officer shall be either (i) the Parish Clerk or (ii) another person nominated by the Parish Council to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

a. 'Proper Practices' in Standing Orders refer to the most recent version of *Governance and Accountability for Local Councils – a Practitioners' Guide*.

b. All payments by the Parish Council shall be authorised, approved and paid in accordance with the law, Proper Practices and the Parish Council's Financial Regulations.

c. The following information shall be supplied by the Responsible Financial Officer (RFO)² to each Councillor on a quarterly basis beginning April and shall be discussed and approved at the Parish Council meetings in June, September, December and March:

- i. a bank account reconciliation that shows all payments in, payments out and cheques cleared for the year to date;
- ii. a comparison of receipts and payments for the year to date versus the approved budget for precept.

d. As soon as possible after the financial year end at 31st March, the RFO shall provide:

- i. each Councillor with a statement summarising the Parish Council's receipts and payments for the year to date for information; and
- ii. to the full Parish Council, the accounting statements for the year in the form of Section 1 of the Annual Return, as required by Proper Practices, for consideration and approval.

e. The year end accounting statements shall be prepared in accordance with Proper Practices and applying the form of accounts determined by the Parish Council (receipts and payments, or income and expenditure) for a year to 31st March. A completed draft Annual Return shall be

² The role of the RFO is carried out by the Parish Clerk/Proper Officer.

presented to each Councillor before the end of the following month of May. The Annual Return of the Parish Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to Parish Council for consideration and formal approval before 30th June.

18. Financial controls and procurement

To be applied in conjunction with Financial Regulations.

- a. The Parish Council shall consider and approve Financial Regulations drawn up by the RFO, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Parish Council;
 - iii. the work of the independent internal auditor in accordance with Proper Practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by Councillors and local electors of the Parish Council's accounts and/or orders of payments;
 - v. procurement policies (subject to Standing Order 18(c)) including the setting of values for different procedures where a contract has an estimated value of less than **£60,000**; and
 - vi. **compliance with the Public Contracts Regulations 2015 (or subsequent regulations in force at the time).**
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in Standing Order 18(d) and that procedures are compliant with the Public Contracts Regulations 2015 (or subsequent regulations in force at the time).**
- d. Subject to additional requirements in the Financial Regulations of the Parish Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Parish Council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the Parish Council's written response to the tender, and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Parish Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Parish Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

f. Where the value of a contract is likely to exceed £164,176 for a public supply or public service contract and £4,104,394 for a public works contract (or other threshold specified by the Office of Government Commerce from time to time), the Parish Council must consider whether the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Parish Council must comply with EU procurement rules.

19. Handling staff matters

a. A matter personal to a member of staff that is being considered by a meeting of the Parish Council is subject to Standing Order 11.

b. Subject to any separate policy regarding absences from work, the Parish Council's most senior member of staff shall notify the Chair of the Parish Council or, if he/she is not available, the Vice Chair of the Parish Council, of absence occasioned by illness or other reason and that person shall report such absence to the Parish Council at its next meeting.

c. The Chair of the Parish Council or, in his/her absence, the Vice Chair of the Parish Council, shall conduct a review of the performance and annual appraisal of the work of staff members. The reviews and appraisals shall be reported in writing and be subject to approval by resolution by the Parish Council.

d. Subject to any separate policy regarding the handling of grievance matters, the Parish Council's most senior employee (or other employees) shall contact the Chair of the Parish Council or, in his/her absence, the Vice Chair of the Parish Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Parish Council.

e. Subject to any separate policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the Chair or Vice Chair of the Parish Council, this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish Council.

f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

g. The Parish Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.

h. Only the Chair (or, in his/her absence, the Vice Chair) and the Parish Clerk shall have access to staff records referred to in Standing Orders 19(f) and (g), if so justified.

i. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 19(f) and (g) shall be available to the Chair and Parish Clerk only.

20. Requests for information

a. Requests for information held by the Parish Council shall be handled in accordance with the Parish Council's policy in respect of handling requests under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Parish Council which shall have the power to do

anything to facilitate compliance with the Freedom of Information Act 2000.

21. Relations with the press/media

a. Requests from the press or other media for an oral or written comment or statement from the Parish Council, its Councillors or staff shall be handled in accordance with the Parish Council's policy in respect of dealing with the press and/or other media.

b. The Parish Council's policy in this respect is that any oral or written comments to the press and/or other media shall be prepared by the Parish Clerk and approved by the Chair and/or Vice Chair before release.

22. Execution and sealing of legal deeds

See also Standing Orders 15(b)(xii) and (xvii).

a. A legal deed shall not be executed on behalf of the Parish Council unless authorised by a resolution.

b. Subject to Standing Order 22(a), any two Councillors may sign, on behalf of the Parish Council, any deed required by law and the Proper Officer shall witness their signatures.

23. Communicating with County or Unitary Councillors

a. An invitation to attend meetings of the Parish Council shall be sent, together with the agenda, to the ward Councillor(s) of Cornwall Council representing the area of the Parish Council.

b. Unless the Parish Council determines otherwise, a copy of each letter of major import sent to Cornwall Council and/or its agencies (e.g. when requesting a meeting with a Cornwall Council Cabinet Member, when commenting on a major planning application) shall be sent to the ward Councillor(s) representing the area of the Parish Council. Note that this shall exclude the ongoing daily exchange of emails between the Parish Council and Cornwall Council.

24. Restrictions on Councillor activities

a. Unless authorised by a resolution of the Parish Council, no Councillor shall:

- i. inspect any land and/or premises which the Parish Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions in relation to any land and/or premises that the Parish Council has a right or duty to inspect.³

25. Standing Orders generally

a. All or part of a Standing Order, except one that incorporates mandatory statutory requirements (as highlighted in bold), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

³ The Local Government Act 1972 confirms that a council can delegate only to an Officer, a committee or a joint committee. Case law then confirms there is no such thing as a committee of one, not even the Chair. NALC's Model Standing Order 24 responds to the case law and means that only an Officer can do (i) and (ii). However, a council can delegate to the Parish Clerk to work with other named members who then can carry out the inspections, etc. reporting back to the Parish Clerk. The benefit of this is that the Officer then has the power to refer the matter(s) back to full council if necessary. Many councils rely on members for the inspections, etc. and this Standing Order is to ensure that there is a legal understanding of how it is done. *Based on a response from CALC dated 6.10.14.*

b. A motion to add to, or vary, or revoke one or more of the Parish Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Proper Officer in accordance with Standing Order 9.

c. The Proper Officer shall provide a copy of the Parish Council's Standing Orders to a Councillor as soon as possible after he/she has delivered his/her Acceptance of Office form.

d. The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

26. Remote Meetings Protocol & Procedures

REMOTE MEETINGS PROTOCOL AND PROCEDURES

AMENDMENTS TO STANDING ORDERS

Formally adopted by St. Mellion Parish Council at the first formal, public virtual meeting, held on 14th July 2020, via Zoom™

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

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

General

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

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

1) Annual Meeting

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

2) Access to Information

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

3) Remote Access to Meetings

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

4) Councillors in Remote Attendance

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

5) Remote attendance by members of the public

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

6) Remote Voting

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

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

7) Code of Conduct – councillors excluded from the meeting

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

8) Exclusion of the press and public

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

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

