

# **Gerrans Parish Council**

## **Standing Orders**

It is agreed that supplementary detail from CALC Model Standing Orders for Local Councils may be sourced and referred to at any time

These Standing Orders were amended at Para 16 on 15<sup>th</sup> May 2020 by Decision ref 052003, taken under its Covid-19 Emergency Scheme of Delegation, and adopted by the Council at its Meeting held on 2<sup>nd</sup> June 2020

### **1. MEETINGS**

1.1 All councillors shall observe the Code of Conduct adopted by the Council.

1.2 All Councillors shall undertake training in the Code of Conduct within six months of the date of delivery of their Declaration of Acceptance of Office.

1.3 Meetings of the Council shall be held on the 1<sup>st</sup> Tuesday of each month at 7.30pm, unless the Council decides otherwise at a previous Meeting.

1.4 Apologies for absence must be delivered to the Proper Officer in advance of the relevant meeting, and meeting agendas shall include a motion to approve absences.

1.5 Unless granted a dispensation, Councillors, and members of the public co-opted to serve on Council committees and sub-committees, who have registered a disclosable pecuniary interest or declared a non-registerable interest in relation to any item of business being transacted at a meeting shall leave the room whenever the item is being discussed.

1.6 Smoking is not permitted at any Meeting of the Council.

1.7 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.

1.8 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.

1.9 A visitors book is made available for members of the public to record their attendance at a meeting although this is voluntary.

1.10 When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

1.11 The Statutory Annual Meeting in an election year shall be held on the next Tuesday within 14 days after the ordinary day of elections to the Council, and in a year which is not an election year shall be held on the 1<sup>st</sup> Tuesday in May.

1.12 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 during the Open Period and Adjournment.

1.13 The period of time which is designated for public participation shall not exceed 30 minutes during the Open Period and 20 minutes Adjournment.

- 1.14 Each member of the public is entitled to speak once and shall not speak for more than 5 minutes with a maximum of 15 minutes per issue.
- 1.15 A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- 1.16 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- 1.17 At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- 1.18 At the Chairman's discretion and with the approval of the council, a divisional member of the Unitary Council may be invited to speak during any item on the agenda to make a short statement and answer any questions.
- 1.19 Filming and recording meetings
- (a) Whilst a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may :
- (1) film, photograph or make an audio recording of a meeting :
  - (2) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place :
  - (3) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- (b) Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the Council, its committees or sub committees.
- (c) 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.
- d) Disruptive behaviour
- (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.
  - (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.
  - (3) If a resolution under standing order 1.14 d (2) 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.
  - (4) Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.
- 1.20 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.
- 1.21 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- 1.22 The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 1.23 The minutes of a meeting shall record the names of councillors present and absent.
- 1.24 Meetings of the Council shall not extend beyond 10.00pm.

## 2. CHAIRMANSHIP

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.

2.2 No person shall serve more than three consecutive years in the office of Chairman.

## 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.

### **The Council's Proper Officer shall do the following.**

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

b. Summons by Email is acceptable but the Email should contain an electronic signature that shows that the proper officer intended to sign the summons, and his job title.

c. Make available for inspection the minutes of meetings.

d. Receive and retain copies of byelaws made by other local authorities.

e. Receive and retain declarations of acceptance of office from councillors.

f. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

g. Keep proper records required before and after meetings;

h. 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.

i. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

j. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

k. 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.

l. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.

3.2 When the Responsible Financial Officer is absent, the Council will appoint a member to an unpaid post to undertake the work of the Responsible Financial Officer if required.

#### **4. QUORUM**

- 4.1 The quorum for a meeting of the Council is one-third of the total number of councillors or, where more than one-third of the councillors are disqualified from acting, then one-third of the remainder. In any event there must be no fewer than 3 members (paragraphs 12 and 45 of schedule 12 to the 1972 Act).
- 4.2 If a meeting is or becomes inquorate, no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a Meeting so adjourned shall be transacted at the next Meeting or on such other day as the Chairman may fix.

#### **5. VOTING**

- 5.1 All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- 5.2 Members shall vote by a show of hands, or if at least two members so request, by signed ballot.
- 5.3 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.
- 5.4 The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.

#### **6. ORDER OF BUSINESS**

- 6.1 At each Annual Meeting the first business shall be to elect a Chairman and then to receive the Chairman's declaration of Acceptance of Office, or if not then received, to decide when it shall be received.
- 6.2 In the ordinary year of election of the Council to fill any vacancies left unfilled at the Election by reason of insufficient nominations.
- 6.3 To elect Officers and Representatives.
- 6.4 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.
- 6.5 To read and consider the Minutes, to dispose of any business remaining from the last Meeting and to deal with any business specified in the summons.
- 6.6 A motion to vary the order of business on the ground of urgency 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 shall be put to the vote without discussion.

## **7. RESOLUTIONS MOVED ON WRITTEN NOTICE**

7.1 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 the notice to the Clerk at least 7 days before the Meeting of the Council.

7.2 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

7.3 A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer at least 7 days prior to the meeting at which it is to be considered.

## **8. RESOLUTIONS MOVED WITHOUT WRITTEN NOTICE**

8.1 Resolutions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds.
- xvii. To authorise the payment of monies.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.

- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

## **9. RULES OF DEBATE**

9.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

9.2 A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be put forward in writing before it is further discussed or put to the Meeting.

9.3 No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.

## **10. DISORDERLY CONDUCT**

10.1 All councillors shall observe the code of conduct adopted by the Council.

10.2 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.

## **11. FINANCIAL REGULATIONS**

11.1 The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time.

11.2 All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

11.3 The Council's proper practices will be in accordance with the most recent JPAG guidance.

## **12. ACCOUNTS, FINANCIAL STATEMENT AND PRECEPT ESTIMATIONS**

12.1 All payments by the Council shall be authorised, approved and paid in accordance

with the Council's financial regulations, which shall be reviewed at least annually.

12.2 The Council shall approve written estimates for the coming financial year at a meeting no later than 7<sup>th</sup> February.

12.3 The year-end accounting statements shall be prepared by the Responsible Financial Officer in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

### **13. MANAGEMENT OF INFORMATION**

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

### **14. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

## **15. CODE OF CONDUCT COMPLAINTS**

a Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.

b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.

c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint

d The council may:

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;

e References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

f Upon notification by the Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.

## **16. SUPPLEMENTARY STANDING ORDERS**

The Council resolved on 2<sup>nd</sup> June 2020 to ratify decision ref 052003, taken under its Covid-19 Emergency Scheme of Delegation on 15th May 2020, to adopt supplementary Standing Orders to meet the statutory requirements for the holding of remote meetings, and this lasts until May 7th, 2021 or the repeal of legislation whichever is the earlier. These supplementary Standing Orders are appended below.



## **GERRANS PARISH COUNCIL SUPPLEMENTARY STANDING ORDERS**

### **REMOTE MEETINGS PROTOCOL AND PROCEDURES**

**Date of first adoption: 2<sup>nd</sup> June 2020**

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 7<sup>th</sup>, 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 7<sup>th</sup>, 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.

**END OF SUPPLEMENTARY STANDING ORDERS DOCUMENT**