



LANDULPH PARISH COUNCIL STANDING ORDERS

Introduction and Explanation

The parish comprises the village of Cargreen and the rural parts of Landulph itself. It is situated in an Area of Outstanding National Beauty next to the adjoining parishes of Botus Fleming, St Mellion and Pillaton. The parish has a population in the region of 500 inhabitants, with over 400 electors. It contains the Parish Church of St Leonards, the Landulph Methodist Church and a vibrant village primary school. There is a thriving Yacht Club, and, central to community activities, is Landulph Memorial Hall where the Parish Council normally meets on the third Monday of each month at 7.30 pm, except during August.

The conduct of meetings must be in accordance with the Standing Orders adopted by the Council, which are intended to provide for the effective management of the Council's business.

The Parish Council was formed in 1894. It is a statutory body, and operates within the powers granted by local government legislation. All decisions are made in the name of the Council.

Temporary amendment to Landulph Parish Council's Standing Orders as a contingency plan in response to the Covid-19 Pandemic – see Amendments to Standing Orders below

As a contingency plan in case Parish Council meetings are postponed due to the Covid-19 Pandemic, it was agreed that decisions will be delegated to the Parish Clerk in consultation with the Chairman and Vice-Chairman. The Parish Clerk will contact all Councillors to gain their views and then, by agreement with the Chairman and Vice-Chairman, make a delegated decision based on the majority of views. If this is not clear, the Clerk will seek clarification.

Where virtual meetings are held, with remote attendance by councillors, and remote access of press and public, these will be held in accordance with the provisions of The Local Authorities and Police and Crime Panels Coronavirus) (Flexibility of Local Authority and Police and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Statutory Annual Meeting

In an election year the Annual Council Meeting shall be held on or within fourteen days following the day on which the Councillors elected take office.

In a year which is not an election year the Annual Council Meeting shall be held on such a day in May as the Council may direct.

Other Meetings

Meetings of the Council shall be held on the third Monday of each month commencing at 7.30 pm in the Landulph Memorial Hall, unless the Council directs an alternative date, time and venue at the previous meeting.

Notices for Meetings

Notices of forthcoming meetings must be issued to Councillors and displayed on the official Council noticeboard not less than three working days (including Saturdays but not counting the day of posting and the day of the meeting) prior to the date of the meeting.

Chairman of the Meeting

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

Proper Officer

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, he or she shall be the Clerk:-

- to receive declarations of acceptance of office;
- to sign and issue the summons to attend meetings of the Council;
- to receive and record notices disclosing interests at meetings;
- to receive and retain (where appropriate) plans and documents;
- to sign notices or other documents on behalf of the Council;
- to receive copies of bylaws made by another local authority;
- to keep proper records of all Council meetings; to keep a record of all available minute books dated from 1894, and the places where these are kept; this record of the minute books shall be available to all concerned;
- to take action regarding matters requiring urgent attention, provided that:
 - a) prior approval is given by the Chairman, or in his absence, the Vice-Chairman.
 - b) such action would not involve the Council in additional expenditure exceeding £500 which has not been previously authorised.
 - c) any action taken under this Standing Order will be reported to the next Council meeting for approval.

Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

Voting

Members shall vote by show of hands or, if at least two members so request, by signed ballot. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show they voted for or against it. Such a request must be made before moving on to the next business.

The Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Order of Business

At each Annual Parish Council meeting, the first business shall be:-

- to elect a Chairman of the Council;
- to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received;
- in the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations;
- to elect a Vice-Chairman of the Council;
- to appoint representatives to outside bodies.

Other Meetings

In every year, not later than the meeting at which the estimates for next year are settled, the Council shall confirm the pay and conditions of service of existing employees.

If the Chairman and Vice-Chairman are absent, the first business shall be to appoint a Chairman.

After the first business has been completed, the order of business, unless the Council otherwise decided on the ground of urgency, shall be as follows:-

- to verify the minutes, correcting any errors as appropriate, and to approve the signature of the minutes, by the person presiding, as a correct record;
- to deal with business expressly required by statute to be done;
- to correct the minutes;
- to approve the minutes;
- to alter the order of business;
- to proceed to the next business;
- to refer the matter to a committee or working group, as appropriate;
- to appoint a sub-committee or working group or any members thereof;
- to receive and consider reports and minutes of sub-committees or working groups;
- to receive and consider correspondence as the Chairman may wish to put before the Council;
- to authorise the signing of order for payment;

- to answer questions from Councillors;
- to exclude the press and public (as appropriate);
- to silence or eject from the meeting a member named for misconduct;
- to adjourn the meeting.

An extraordinary meeting of the Council may be called at any time by the Chairman.

Rules of Debate

No discussion of the minutes shall take place except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman. 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 reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.

A member, when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate. A member shall remain seated when speaking unless requested to stand by the Chairman.

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon. Whenever the Chairman speaks during a debate all other members shall be silent.

Disorderly Conduct

All members must observe the Code of Conduct adopted by the Council, a copy of which is annexed to these Standing Orders. No member shall persistently disregard the ruling of the Chairman, wilfully obstruct business, or otherwise behave improperly. If necessary, the Chairman may adjourn the meeting.

Voting on Appointments

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

Discussions and Resolutions affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council has decided whether or not the press and public shall be excluded.

Expenditure

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

Accounts and Financial Statement

All members must observe the Financial Regulations adopted by the Council, a copy of which is annexed to these Standing Orders.

Code of Conduct

All Councillors are required to sign the Code of Conduct adopted by the Council, which governs the behaviour and conduct of Members of the Parish Council. The Code shall apply to all Councillors and members of the public co-opted to serve on Committees of the Council.

Each Councillor is responsible for informing the Monitoring Officer of the Unitary Authority of their registerable interests.

If a member has a disclosable pecuniary interest as defined by the Code of Conduct adopted by the Council, then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

A Councillor who has a declared disclosable pecuniary interest or non-registerable interest in relation to any item of business being transacted shall leave the room whenever the matter is being discussed. However, if the non-registerable interest is as defined under s.3.5A of the Code of Conduct, by invitation of the Chairman, the Councillor may remain in the room to speak and provide any information as they reasonably consider might inform the debate before leaving the room after a Dispensation from the Council has been agreed (The Localism Act 2011 Section 31(4), section 33).

Councillors are expected to undertake training in the Code of Conduct within six months of joining the Council, provided free by Cornwall Council.

Inspection of Documents

All minutes kept by the Council and by any committee shall be open for the inspection by any member of the Council.

Admission of the Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council which may, however, temporarily exclude the public by means of the following resolutions under the Public Bodies (Admission to Meetings) Act 1960:-

“That in the view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded, and they are instructed to withdraw”. The Council shall state the special reason for exclusion.

At all meetings of the Council, the Chairman may, at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business being transacted at the meeting.

The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.

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

Confidential Business

No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council, as the case may be.

Liaison with Unitary Councillors

An invitation to attend and agenda for each meeting shall be sent to the Cornwall Councillor for the Ward.

Planning Applications

The Clerk shall, as soon as it is received, enter the Planning application on the agenda of the next available meeting. The rules of voting apply as above.

If a Planning application is received that has a deadline before the next meeting, the Clerk shall decide whether the matter requires an extraordinary meeting to be called, or whether the matter can be dealt with under delegated authority. The Clerk will contact all Councillors to gain their views and then, by agreement with the Chairman, make a delegated decision based on the majority of views. If this is not clear, the Clerk will seek clarification, or an extraordinary meeting will be called.

Once a decision is reached at the meeting, the Clerk will submit the Parish Council's comments to Cornwall Council. In the event of a response from a Planning Officer challenging the Parish Council's comments, the Clerk will contact all Councillors to gain their views, and then make a delegated decision based on the majority of views.

Standing Orders to be given to Members

A copy of these standing orders shall be given to each member by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office and written undertaking to observe the Code of Conduct adopted by the Council.

Landulph Parish Council Standing Orders, as agreed at the Landulph Parish Council meeting on Monday 20th July 2020.

AMENDMENTS TO STANDING ORDERS

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 the 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
 - . adjourn the meeting to permit conditions for remote attendance to be re-established
 - i. 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
 - . adjourn the meeting to permit conditions for remote attendance to be re-established
 - i. 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.