



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.

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.

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, with a minimum of three meetings to be held each year.

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.

Scheme of Delegation

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Finance Officer

To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure.

To take any action regarding repairs and to report matters to the relevant authority.

Delegated Powers re Planning Delegation

Planning applications shall be received by the Clerk who will provide details to Councillors and where no queries arise by joint decision of all Councillors, the Clerk shall be delegated to inform the Planning Department within the time allocated of the decision of the Council. All Councillors will report directly back to the Clerk thereby avoiding discussion between members. Where queries arise the Chairman will call for a site meeting which may require an Extraordinary Meeting to decide upon the application. Adhering strictly to legal procedures set by NALC.

Delegation – Limitations

All decisions taken under delegated authority will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper Officer/Responsible Finance Officer as and when appropriate.

Landulph Parish Council Standing Orders, as agreed at the Landulph Parish Council meeting on 23rd April 2021.