

# STANDING ORDERS



**ILLOGAN PARISH COUCIL**  
**Standing Orders**

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**1. Standing Orders Generally**

- a. All or every part of a Standing Order, except one that incorporates mandatory statutory requirements (**in bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least six Councillors to be given to the Proper Officer in accordance with Standing Order 10 above.
- c. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his acceptance of office form.
- d. The decision of the Chairman of a meeting as to the application of Standing Orders at meetings shall be final.
- e. It shall be the duty of the Council to review the Standing Orders of the Council annually. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Standing Orders.

**2. 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 Chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been proposed and seconded.
- c. A motion on the agenda not moved by its proposer, may be treated by the Chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words. It shall not negate the motion.

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- f. If an amendment to the original motion is carried, the amendment 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 Chairman of the meeting, is expressed in writing to the Chairman.
- h. A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- 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 Chairman of the meeting.
- j. Subject to Standing Order 2k below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k. One or more amendments may be discussed together if the Chairman 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 the 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 Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. To speak to an amendment moved by another Councillor;
  - ii. To move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. To make a point of order;
  - iv. To give a personal explanation; or
  - v. In exercise of a right of reply.

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- p. During the debate of a motion, a Councillor may interrupt only on a point of order or a 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 considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the Chairman of the meeting and his 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 Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved under Standing Order 2r above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

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**3. 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 Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman 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 in accordance with Standing Order 3b above is ignored, the Chairman of the meeting may take such further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

**4. Meetings Generally**

- 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.** Meetings of the Full Council shall be held at a Local Hall in the parish at 7.00pm, unless the Council otherwise decides at a previous meeting. Committee and Sub Committee meetings shall be held in the Council Office or a Local Hall in the parish at 7.00pm, unless otherwise decided at a previous meeting.
- 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.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- 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.**

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- 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 which is designated for public participation in accordance with standing order 4d above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- g. Subject to standing order 4f above, a member of the public shall not speak for more than 3 minutes.
- h. In accordance with standing order 4e above, a question shall not require a response at the meeting nor start a debate on the questions. The Chairman of the meeting may direct that a written or oral response be given.
- i. A person shall raise their hand when requesting to speak and remain seated when speaking.
- j. A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman of the meeting shall direct the order of speaking.
- l. 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.**
- m. 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).**
- n. 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.**
- o. 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.**

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- p. 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 casting vote whether or not he gave an original vote**
- q. Unless standing orders provide otherwise, voting on any 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 vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- r. The minutes of a meeting shall include an accurate record of the following:
  - i. The time and place of the meeting;
  - ii. The names of Councillors present and absent;
  - iii. Interests that have been declared by Councillors and non-councillors with voting rights;
  - iv. Whether a Councillor or non-councillors with voting rights left the meeting when matters that they held interests in were being considered;
  - v. If there was a public participation sessions; and
  - vi. The resolutions made.
- s. A Councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the 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 right to participate and vote on that matter.**
- t. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
- u. If at the designated meeting start time the meeting is not quorate, members present will wait for 10 minutes to see if anyone arrives late before abandoning the meeting.
- 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.



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- w. A meeting shall not normally exceed a period of 2 hours.

**5. 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:
- i. Film, photograph or make an audio recording of a meeting;
  - ii. Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii. 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:
- i. 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.
  - ii. 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(s) be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii. If a resolution under Standing Order 3diii 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.

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- e. Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.
- f. The 'Guidelines for Broadcasting or Using Social Media at Council Meetings' shall be adhered to and copies will be available for members and the public and press during Council Meetings.
- g. A notice shall be displayed at all meetings alerting members of the public that by entering the public meeting they are agreeing to potentially being filmed and there will be hard copies of all policies and procedures relating to filming and recording available for members of the public.

### **6. Committees and Sub Committees**

- a. **Unless the 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 Council.**
- c. **Unless the Council determines otherwise, all members of an Advisory Committee and a Sub-Committee of the Advisory Committee may be non-councillors.**
- d. The 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 Full 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. Shall, subject to Standing Orders 6b and c above, appoint and determine the terms of office of members of such a Committee;
  - v. Committee's shall appoint a Chairman at the first meeting of the Committee after the Annual Council Meeting;

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- vi. 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;
- vii. Shall determine if the public may participate at a meeting of a Committee;
- viii. Shall determine if the public and press are permitted to attend meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
- ix. Shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend; and
- x. May dissolve a Committee

### **7. Ordinary Council Meetings**

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.** In a year which is not an election year the Annual Meeting shall be held on the third Wednesday in May or as the Council shall agree.
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.** The annual meeting shall be held at 7pm or as the Council shall agree.
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e. The monthly meetings will be held every 3rd Wednesday of the Month excepting December when the meeting will be held on the 2<sup>nd</sup> Wednesday of the month.
- f. **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.** A member of the Council shall be eligible to serve two consecutive years of office in his own right as

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Chairman and then shall retire for one full term. A member retiring as Chairman shall be eligible for election to any other office.

- g. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- h. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- i. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- j. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- k. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i. In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the 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 Council;
  - iii. Receipt of the minutes of the last meeting of a Committee;
  - iv. Consideration of the recommendations made by a Committee;

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- 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 5 above;
  - ix. Review of representation on or work with external bodies and arrangements for reporting back;
  - x. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the General Power of Competence in future;
  - xi. Review of the Council's and/or staff subscriptions to other bodies; and
  - xii. Determining the time and place of ordinary meetings of the Full Council to and including the next annual meeting of Full Council.
- I. The order of business at an ordinary Council meeting shall be as follows:
- i. To receive apologies for non-attendance
  - ii. Members to declare disclosable pecuniary and non-registerable interest
  - iii. To consider requests from members for dispensations
  - iv. Public Participation (not to exceed 15 minutes)
  - v. To receive communications as the person presiding may wish to lay before the Council.
  - vi. To read and consider the minutes provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting. After consideration and resolution the minutes will be signed as a true record by the person presiding the meeting.
  - vii. Matters arising from the minutes and a report on progress of actions, for information only

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- viii. To note minutes of Committees
- ix. To receive and approve the statement of payments, receipts and bank reconciliations for the previous month
- x. To authorise the signing of orders for payment
- xi. To deal with business expressly required by statute to be done.
- xii. To dispose of business, if any, remaining from the last meeting.
- xiii. Correspondence
- xiv. To receive a report from the Clerk including Health and Safety
- xv. Reports from outside bodies
- xvi. Items to be discussed at future meetings

### **8. Extraordinary Meetings of the Council and Committees and Sub-Committees**

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c. The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or sub-committee at any time.
- d. If the Chairman 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 Sub-Committee, any two members of the Committee and the Sub-Committee may convene an extraordinary meeting of a Committee and Sub-Committee.

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**9. 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 six Councillors to be given to the Proper Officer in accordance with Standing Order 10 below, 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 9a above has been disposed of, no similar motion may be moved within a further six months.

**10. Voting on Appointments**

- a. Where more than two persons have been nominated for a position to be filled by the 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 Chairman of the meeting.

**11. 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 Council's statutory functions, powers and obligations or an issue which specifically affect the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Proper Officer at least ten 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 may, before including a motion on the agenda received in accordance with standing order 11b above, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer in consultation with the Chairman of the forthcoming meeting considers the wording of a motion received in accordance with standing order 11b above 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 seven clear days before the meeting.

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- e. If the wording or nature of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman 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 11e above, 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 on a spread sheet for that purpose and numbered in the order they are received.
- h. Motions rejected shall be recorded on a spreadsheet for that purpose with an explanation by the Proper Officer for their rejection.

**12. 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;



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- 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 not hear further from a Councillor or a member of the public;
- xiii. To exclude a Councillor or member of the public for disorderly conduct;
- xiv. To temporarily suspend the meeting;
- xv. To suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
- xvi. To adjourn a meeting; or
- xvii. To close a meeting.

**13. Handling Confidential or Sensitive Information**

- a. Confidential or sensitive information will be printed on pink paper and marked as confidential.
- b. Confidential or sensitive information is confidential or sensitive to those present at the time of discussion.
- c. The press and public will be excluded during the discussion of confidential or sensitive items.
- d. The agenda, papers that support the agenda and 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.
- e. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

**14. Agendas**

- a. The Proper Officer shall have responsibility for preparing agendas.
- b. The Proper Officer's decision on items to be included on the agenda will be final.
- c. The Proper Officer, where possible, shall consult the Chairman and

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Vice Chairman of the Council, Committee or Sub-Committee prior to finalising and circulating agendas.

- d. Councillors shall be entitled to have placed on the agenda any matter of relevance to the powers, responsibilities and functions of the forthcoming meeting in accordance with Standing Orders 11 and 12 above.
- e. All motions from members must be forwarded to the Proper Officer at least ten clear days before the meeting in accordance with Standing Order 10 above. Clear days do not include the day of the notice or the day of the meeting.

### **15. 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 12ai above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

*"The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his 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, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
- f. Draft minutes shall not be issued to members of the public until they have been issued to Councillors.

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**16. Code of Conduct and Dispensations**

- a. All Councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b. Unless he has been granted a dispensation, a Councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a Councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a non-registerable interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he has the interest.
- d. All councillors shall undertake training in the code of conduct within six months of the delivery of their declaration of acceptance of office.
- e. **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.
- f. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or Committee or Sub-Committee for which the dispensation is required and that decision is final.
- g. 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 dispensations relates;
  - ii. Whether the dispensation is required to participate at a meeting 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.
- h. Subject to Standing Orders 16d and f above, dispensations requests shall be considered at the beginning of the meeting of the Council, or Committee or Sub-Committee for which the dispensation is required.

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- i. A dispensation may be granted in accordance with Standing Order 15e above 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 Council's area; or**
  - iii. It is otherwise appropriate to grant a dispensation.**
- a. Consideration of written requests for dispensations shall be a standing item on all agendas of meetings of the Council, its committees and sub committees.

**17. Code of Conduct Complaints**

- a. Upon notification by the Unitary Council that is dealing with a complaint that a Councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 13 above, report this to the Council.
- b. Where the notification in Standing Order 17a above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Illogan Parish Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 17d below.
- c. The Council may:
- i. Provide information or evidence where such a disclosure is necessary to progress an investigation of the complaint or is required by law; or
  - ii. Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- f Upon notification by the District or Unitary Council that a Councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if**

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**any, action to take against him. Such action excludes disqualification or suspension from office.**

**18. Proper Officer**

- a. The Council's Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the 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 Council, a Committee and Sub-Committee serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda;**
  - ii. Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a Committee or a Sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);**
  - iii. Subject to Standing Order 11 above, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his withdrawal of it;
  - iv. Convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book 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 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;

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- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form;
- xii. Arrange for legal deeds to be executed;
- xiii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority on a spreadsheet for such purpose;
- xv. Refer a planning application received by the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Committee; and
- xvi. Manage access to information about the Council via the publication scheme.

### **19. Responsible Financial Officer**

- a. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

### **20. 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 (England).
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. The Council's receipts and payments for the each quarter;

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- ii. The Council's aggregate receipts and payments for the year to date;
- iii. The balances held at the end of a quarter being reported.

And which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. Each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date information; and
  - ii. To the Full 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 Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

### **21. Financial Controls and Procurement**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. The keeping of accounting records and systems of internal control;
  - ii. The assessment and management of financial risks faced by the 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;

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- iv. The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. Procurement policies (subject to standing order 21c below including the setting of values for different procedures where the contract has an estimated value of less than £2,000.
- 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 £2,000 shall be procured on the basis of a formal tender as summarised in standing order 20d below and the Council's Quotations and Tenders Policy.**
- d. Subject to additional requirements in the Financial Regulations and the Quotation and Tenders Policy of the 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 of the goods, materials, services and the execution of works shall be drawn up;
  - ii. A tender pack will be compiled in line with the Council's Quotations and Tenders Policy;
  - iii. Tenders submitted are to be opened by two Councillors and the Clerk after the stated closing date and time. The Councillors will number and sign each tender opened. The Clerk will produce a report on the tenders received and will circulate the report and copies of the tenders to members with the agenda and background papers for the meeting at which they will be discussed. Tenders will be opened by two Councillors on a rota basis;
  - iv. Once opened the tenders will be assessed by members of the Council or relevant Committee;
  - v. Once tenders have been discussed a contractor will be appointed by resolution of the Council/Committee.



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- e. Neither the Council, nor any Committee or 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 £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## **22. Handling Staff Matters**

- a. A matter personal to a member of staff that is being considered by a meeting of Council, a committee or a sub-committee is subject to Standing Order 13 above.
- b. Subject to the Council's policy regarding absences from work the Council's most senior member of staff shall notify the Chairman of the Council and the Council Office or, if they are not available, the Vice Chairman of the Council of absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
- c. The Chairman of the Council and the Chairman of the Staffing Committee shall annually conduct a review of the performance and appraisal of the Clerk. The Clerk shall annually conduct a review of the performance and appraisal of the Administration Assistant. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employee) shall contact the Chairman of the Staffing Committee or in his absence, the Vice-Chairman of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by employees relates to the Chairman or Vice-Chairman of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by resolution of Staffing Committee.

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- 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 Council shall keep written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 22f and g above if so justified.
- i. Access and means of access by keys and/or computer passwords of employment referred to in Standing Orders 22f and g above shall be provided only to the Clerk and/or the Chairman of the Council.
- j. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

### **23. Requests for Information**

- a. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of Governance Review Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

### **24. Relations with the Press/Media**

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

### **25. Execution and Sealing of Legal Deeds**

*See also standing order 17bxiii above.*

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

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- b Subject to standing order 25a above, the council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

**26. Communication with Unitary Councillors**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the Unitary Council (Cornwall Council) representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to Cornwall Council shall be sent to the ward Councillor(s) representing the area of the Council.

**27. Restrictions on Councillor Activities**

- a. Unless authorised by a resolution, no individual councillor shall:
- i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. Issue orders, instructions or directions.

**28. Questions**

- a. A councillor may seek an answer to a question concerning any business of the Council provided two clear days’ notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.
- d. A person to whom a question has been put may decline to answer.

**29. Canvassing of and Recommendations by Councillors**

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- a. Canvassing Councillors or the members of a Committee or Sub-Committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate.
- b. A Councillor or a member of a Committee or Sub-Committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

**30. Inspection of documents**

- a. A member may for the purposes of his duty as such, but not otherwise, inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b. Subject to Standing Orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties, but not otherwise, inspect any document in the possession of the Council or a Committee or a Sub-Committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.