

# Lyonshall Parish Council Standing Orders

Approved 16<sup>th</sup> June 2019      Minute No. 37/19      Signed

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## Amendment: 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 No.392 came into force on 4 April 2020. Local authorities have the flexibility to hold meetings at any time of day and on any day, to alter how frequently meetings can be held and to move or cancel meetings without requiring further notice. The Regulations provide for meetings to be held remotely, including via telephone conferencing, video conferencing, live webchat and live streaming until May 2021. For the purposes of any statutory requirement, members of the local authority will be considered as attending a meeting if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. Where it is stipulated that documents are “open to inspection”, the Regulations provide that this requirement is satisfied by the documents (notices, agendas, minutes etc) being published on the Council’s website.

# 1 Meetings

|                                      |   |
|--------------------------------------|---|
| Mandatory for full Council meetings  | ● |
| Mandatory for committee meetings     | ● |
| Mandatory for sub-committee meetings | ● |

- 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.**
  
- b **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.**
  
- c **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.**
  
- d Subject to standing order 1(c) above, 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 if invited to do so by the chairman.

- 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 if the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed **10 minutes** unless directed by the Chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than **10 minutes**.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be 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 wants to speak, the chairman of the meeting shall direct the order of speaking.
- l Not adopted
- m **In accordance with standing order 1(c) above, 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.**
- n **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).**
- o **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.**

- p** Subject to Standing Order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- q** 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. *(See also standing orders 2 (i) and (j) below.)*
- r** 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.
- s** The minutes of a meeting shall record the names of councillors present and absent.
- t Not adopted
- u** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- v** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. *(See also standing order 7 below.)*
- w** 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 3.
- x** 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 a following meeting.
- y Not adopted
- z** Any changes in legislation to the procedure of Parish Council meetings will be adopted as good practice.

## 2 Ordinary Council meetings

*See also standing order 1 above*

- 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.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d *(England)* 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 *(Wales)* In addition to the annual meeting of the Council, other ordinary meetings may be held in each year on such dates and times as the Council may direct.
- f The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.
- 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 Not adopted

## 3 Proper Officer

- a 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.
- b The Council's Proper Officer shall do the following.
  - i. **Sign and serve on councillors by delivery email 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.**

- ii. **Give public notice of the time, date, venue and agenda at least 3 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. Not adopted.
- 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, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
- v. Make available for inspection the minutes of meetings.
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. **Receive and retain declarations of acceptance of office from councillors.**
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. 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.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. 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.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the F&GP Committee] within 2 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 Council] or the F&GP committee].
- xvii. Not applicable.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## 4 Motions requiring written notice

a to h not adopted

## 5 Motions not requiring written notice

- a Motions 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 signed by two councillors and witnessed.  
(See standing orders 14(a) and (b) below.)
- 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.
- xxvii. To consider or decide upon any matter that a majority of the councillors present determine to be of sufficient importance to warrant the council's attention.

b not adopted

## 6 Rules of debate

- a 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.
- b To p not adopted
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r To t not adopted

## 7 Code of conduct

*See also model standing order 1d above*

*A revised statutory code of conduct is expected to come into force in 2010*

- a **All councillors shall observe the code of conduct adopted by the Council.**
- b Not adopted
- c **If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted *unless they have been granted prior dispensation by Lyonshall Parish Council.***
- d **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## 8 Questions

a to c not adopted

## 9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, 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 majority of the ( ) 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, any previous draft minutes or recordings of the meeting shall be destroyed.

## 10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12 Voting on appointments

Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

## 13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

## 14 Execution and sealing of legal deeds

*See also standing order 5(a)(xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 15 Committees

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

## 16 Sub-committees

Not adopted

## 17 Extraordinary meetings

*See also standing order 1 above*

- 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 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory 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 Not adopted

## 18 Advisory committees

*See also standing order 1 above*

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## 19 Accounts and Financial Statement

a & b not adopted

See Financial Regulations

## 20 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Not adopted

## **21 Canvassing of and recommendations by councillors**

- a to c not adopted
- See Code of Conduct

## **22 Inspection of documents**

- a not adopted

## **23 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name of or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **24 Confidential business**

- a & b not adopted
- See Code of Conduct.

## **25 Power of well-being (England)**

- a **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

## **26 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR the F&GP Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b to j not adopted

See also Employee Conditions of Service and Contract of Employment.

## 27 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Not adopted

## 28 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## 29 Liaison with County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council [in Wales: County Borough and County Council] representing its electoral ward.
- b Not adopted

## 30 Financial matters

- a Not adopted
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender**
- c Not adopted
- d Not adopted
- e **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.**

Also see Financial Regulations

## 31 Allegations of breaches of the code of conduct

- a to g not adopted

## 32 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are

mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b Not adopted

### **33 Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.

**Note** - the word Chairman shall include any vice chairman or other individual operating as the chairman for the time being.