
CORNWALL ASSOCIATION OF LOCAL COUNCILS

NALC

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Serving the parish and town councils of Cornwall

MODEL STANDING ORDERS

CALC recommended variations to the model template

Model standing orders are published by the National Association of Local Councils and act as a template for local councils. CALC believes that it is helpful to provide guidance on local amendments which are appropriate and reflect the requirements of the Cornwall Code of Conduct and other locally recommended policy.

The NALC Model was reviewed in July 2018.

This commentary should be read in conjunction with the NALC model standing orders. The CALC will not be providing a revised model, as it is important that members are aware of the NALC text when it is considering variations suggested with this guidance.

1.		RULES OF DEBATE AT MEETINGS
2.		DISORDERLY CONDUCT AT MEETINGS
3.		MEETINGS GENERALLY
	3 c	A committee meeting can be called with less than 3 clear days' notice if the standing orders allow. However, it is generally accepted that any meeting of the council will give three clear days public notice and we would recommend using the second option.
	New 3 f	During debate it is often helpful to ask a question of a member of the public who is at the meeting. This new standing order addresses this requirement. <i>'At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.'</i>
	3 l & m	These standing orders relate to the new freedoms to film and record council meetings. The CALC recommends that they are deleted and replaced by a new Standing Order 4 – Filming and Recording Meetings (see new standing order 4 below)
	3 s	A member of the council can request that a vote be recorded to list the names of members and how they voted. In order for an accurate record of the vote to be made it is important

		<p>that the request must be made before the vote takes places and we recommend that it is taken alphabetically to allow a clear note of each member’s vote.</p> <p>Amend the last line to read :</p> <p><i>‘Such a request shall be made before moving to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.’</i></p>
	<p>New 4</p>	<p><i>Insert a new standing order and renumber accordingly :</i></p> <p>4. Filming and recording meetings</p> <p>a) <i>When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may :</i></p> <ul style="list-style-type: none"> i) <i>film, photograph or make an audio recording of a meeting;</i> ii) <i>use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;</i> iii) <i>report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.</i> <p>b) <i>Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.</i></p> <p>c) <i>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.</i></p> <p>d) <i>Disruptive behaviour</i></p> <ul style="list-style-type: none"> i) <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.</i> ii) <i>If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.</i> iii) <i>If a resolution under standing order 4 d ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to</i>

		<p><i>progress the meeting. This may include temporarily suspending or closing the meeting.</i></p> <p>e) <i>Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.</i></p>
4.		COMMITTEES AND SUB COMMITTEES
	Amen d 4 d i	<p>The standing order allows the council to establish the terms of reference for any committee. These will confirm the scheme of delegation and clarify the role of the Chairman and Vice Chairman as ex officio members and if so, any voting rights. We therefore recommend an amendment as follows :</p> <p><i>'i shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights.'</i></p>
5.		ORDINARY COUNCIL MEETINGS
	5 j	<p>This standing order refers to the Annual Meeting of the Council held in May every year which includes the statutory duties of the meeting (in bold text), and the appointment of committees and representatives to outside bodies. Other items may be better handled at other times of the year and the Council may wish to consider a number of the items at other times of the year in which case they should be deleted from the list.</p>
6.		EXTRA ORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES
7.		PREVIOUS RESOLUTIONS
	7 a	<p>The standing order relates to how members of the council can seek to overturn a decision and seek a new discussion within six months of the original resolution. The number of signatures required to move a motion to 'rescind' should be significant to prevent it being used by a small number absent from the previous meeting. The Council is able to set its own threshold but at the least, CALC recommends at least 1/3rd + 1 of the total number of seats on the council as the very minimum.</p>
	7a	<p>The last line suggests that a committee may recommend that a decision of full council be rescinded. Council should consider whether it is happy that a committee resolution could challenge a council decision. CALC recommends that the last line is deleted - leaving it a requirement that members petition full council to overturn any decision.</p> <p>Delete <i>'or by a motion moved in pursuance of the</i></p>

		<i>recommendation of a committee or a sub-committee.'</i>
8.		VOTING ON APPOINTMENTS
	New 8 b	<p>Where there is more than one candidate and the vote relates to the election of officers, appointment of outside representatives and co-option, it is common practice to use a written ballot.</p> <p>If the council wishes to have this option then insert a new standing order 8 b</p> <p><i>'Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk.'</i></p>
9.		MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER
	New 9 i	<p>Case law from the judicial reviews at Honiton and Ledbury, confirm that the council cannot take any action against an individual member of the council unless it is on the recommendation of the Monitoring Officer. It is also inappropriate to consider any written notice of motion which should be considered under the council's complaints and employment policies. CALC recommends an additional standing order to this effect :</p> <p><i>Insert</i></p> <p><i>9 i A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.</i></p>
10.		MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE
11.		MANAGEMENT OF INFORMATION
12.		DRAFT MINUTES
13.		CODE OF CONDUCT AND DISPENSATIONS
	New 13	<p>The Cornwall Code of Conduct has been adopted by all local councils in the Duchy.</p> <p>CALC recommends deleting Standing Orders 13, replacing it as below to ensure it complies with the Cornwall Code. The law does allow for the granting of dispensations but CALC recommends that it should be a council led decision rather than that of an employee.</p> <p><i>13. Code of conduct and dispensations</i></p>

General

a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

b Members must have particular regard to their obligation to record and leave the room for matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.

c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

d All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.

e All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.

f All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

g Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

h Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room

whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.

j [Code of Conduct 2.6 – insert the clause in the Council's Code of Conduct relating to gifts and hospitality.]

k A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

Dispensations

l 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.

m 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.

n 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 dispensation 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*

		<p><i>iv. an explanation as to why the dispensation is sought.</i></p> <p><i>o This policy shall apply to all meetings of the Council, its committees and sub-committees.</i></p> <p><i>p No dispensation will be awarded for any meeting where there are no minutes of the proceedings.</i></p> <p><i>q A dispensation may be granted in accordance with standing order 14(r) above if having regard to all relevant circumstances the following applies:</i></p> <p><i>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</i></p> <p><i>ii. granting the dispensation is in the interests of persons living in the council's area or</i></p> <p><i>iii. it is otherwise appropriate to grant a dispensation.</i></p>
14		CODE OF CONDUCT COMPLAINTS
	New 14	<p>Under the Cornwall Council Investigation Procedure, complaints under the Code of Conduct remain confidential to the proper officer until such time as a decision notice has been published. We have amended the NALC standing order to be consistent with this policy.</p> <p>Amend Standing Order 14 as follows :</p> <p>14. CODE OF CONDUCT COMPLAINTS</p> <p><i>a Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.</i></p> <p><i>b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.</i></p> <p><i>c Where a notification relates to a complaint made by an</i></p>

		<p><i>employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint</i></p> <p><i>d The council may:</i></p> <p><i>i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;</i></p> <p><i>ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;</i></p> <p><i>e References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.</i></p> <p><i>f Upon notification by the Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.</i></p>
14.		PROPER OFFICER
15.		<p>RESPONSIBLE FINANCIAL OFFICER</p> <p>Where the Clerk is RFO and there are no other suitable employees, this standing order should be amended to read :</p> <p><i>'When the Responsible Financial Officer is absent, the Council will appoint a member to an unpaid post to undertake the work of the Responsible Financial Officer if required.'</i></p>
16.		ACCOUNTS AND ACCOUNTING STATEMENTS
17.		FINANCIAL CONTROLS AND PROCUREMENT
		<p>Much of the content relating to finance within model standing orders is also duplicated in Financial Regulations. It may be simpler and cleaner to move the financial content into Financial Regulations to avoid any inconsistency between the two documents. If the council wishes to make this change then the following wording should be used AND that the text is inserted into Financial Regulations.</p> <p>Insert</p> <p>18. Financial Regulations</p>

		<p><i>The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.</i></p> <p>a <i>All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.</i></p> <p>b <i>The Council’s proper practices will be in accordance with the most recent JPAG guidance.</i></p>
18.		HANDLING STAFF MATTERS
	<p>New 19 b</p> <p>19 g</p>	<p>We suggest the addition of a new standing order 19 b to cover other employment policies and then re numbering</p> <p><i>19 b 'Subject to the Council’s policies regarding the handling of performance, capability and disciplinary matters, the Council’s most senior staff member (or other member of staff) shall contact the Chairman of [] Committee or in their absence the Vice Chairman of the [] Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the [] Committee in accordance with its terms of reference.</i></p> <p>The Council is an employer, and should appoint a Staffing Committee to consider all employment matters. Under recent GDPR legislation there is a heightened duty to protect personal data by restricting unnecessary access to staffing records. It is therefore recommended that the Council nominates two named members of the Staffing Committee to to have access to staffing records. This will ensure the security of the information whilst ensuring that the council can fulfil it duty as an employer. The members would normally be the Chairman and Vice Chairman of the relevant committee.</p> <p>After working with SLCC and the new ALCC union, we are recommending a change to the wording :</p> <p><i>'In accordance with standing order 11(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 19 (f).</i></p>
19.		RESPONSIBILITIES TO PROVIDE INFORMATION

20.		RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION
21.		RELATIONS WITH THE PRESS AND MEDIA
22.		EXECUTIVE AND SEALING OF LEGAL DEEDS
23.		COMMUNICATING WITH UNITARY COUNCILLORS
	24 b	It is not necessary to commit to sending a copy of every letter/email, so we are recommending a small change <i>'24 b Unless the Council determines otherwise, a copy of relevant correspondence sent to the unitary authority shall be sent to the divisional councillors(s) representing the area of the Council.'</i>
	New 24 c	Cornwall Councillors often have information relevant to matters on the agenda and it is helpful to have a way to let them provide that information during discussions. CALC is therefore recommending a new standing order 24 c which will allow a unitary member to participate if required. <i>'24 c At the Chairman's discretion and with the approval of the council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.'</i>
24.		RESTRICTIONS ON COUNCILLOR ACTIVITIES
	New 25 a iii	For clarification CALC recommends that a new standing order 25 a iii to clarify the position on incur expenditure on behalf of the council <i>'25 b iii incur any expenditure on behalf of the council or issue an instruction to incur expenditure.'</i>
25.		STANDING ORDERS GENERALLY

NOTES :

1. The NALC model standing orders are prepared by the National Association and accepted as the standard model of best practice. The purpose of this paper is to give some local context and suggested changes are based on local experience. They are intended to give further interpretation and clarity and are not intended in any way to devalue the national model. The size and activity of your council will influence your decision as to whether you wish to implement any of these amendments.
2. The purpose standing orders is to give consistency in the way the council conducts its business and makes decisions. It is vital that the final document describes what the council actually does and how it behaves

rather than automatically adopting the standard text. Any review needs to include any local variations which are important to your council.

3. Parts with () or [] require the council to insert a number of members/time etc.
4. As a result of any changes you make to the model standing orders, you will need to adjust the references to other standing orders in the text as well as the index and page numbering.
5. If you decide to remove the references to finances in standing orders, the text **MUST** be added to your council's financial regulations. It is a statutory requirement to have Financial Regulations and much of the text is mandatory.
6. Approving standing orders is a two-stage process. The Council must agree the final text of the new version of standing orders at a meeting of full council and then the matter is left for a month. The new version is adopted at the following meeting of the council, giving the public time to read the draft and raise any questions or comments.

These CALC recommended variations were reviewed and adopted at Michaelstow Parish Council Meeting of 07.03.2019

signed:
chair

A handwritten signature in blue ink that reads "JJ Marshall".

Simon Mitchell clerk