

# **Burrator Parish Council**

## **Handbook for Members**

# **Standing Orders Chairmanship Grouping Order Code of Conduct**

**May**



**2013**

### **THE PARISH COUNCIL OF BURRATOR**

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## **PREFACE**

This handbook for members of Burrator Parish Council contains four sections:

Part 1 provides a complete set of Standing Orders incorporating various new requirements, such as those to be observed under the new Code of Conduct.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

The Standing Orders are based on a new model set of Standing Orders provided by NALC. Standing Orders that differ from the NALC Model by resolution of Burrator Parish Council are shown with a side line on the left. Standing Orders in the new NALC Model that differ from the old NALC Model are shown with a side line on the right.

Part 2 is intended as guide for those presiding at meetings of Local Councils and a source to which to refer when there is a procedural difficulty during a meeting.

If the words "Local Councils" are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

Part 3 includes a copy of the Burrator Group Order of 1979 regrouping the Parishes of Meavy, Sheepstor and Walkhampton under a Common Parish Council.

Part 4 contains the Model Code of Conduct adopted by the Council

## **SECTIONS**

**Part 1: Standing Orders for Burrator Parish Council - pages 3 to 21**

**Part 2: NALC Guidelines for Chairmanship - pages 22 to 30**

**Part 3: Burrator Group Order, 1979 - pages 31 to 33**

**Part 4: The Council's adopted Model Code of Conduct - pages 34 to 39**

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## **STANDING ORDERS**

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MEETINGS

1. a) Meetings of the Council shall be held in one of the Village Halls of the Grouped Parish as appropriate at 7.30pm on the last Thursday in each month unless the Council otherwise decides at a previous meeting.
- b) Smoking is not permitted at any meeting of the Council.

THE STATUTORY ANNUAL MEETING

2. a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
- b) **in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
3. **(England Only) In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

CHAIRMAN OF THE MEETING

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

PROPER OFFICER

5. Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer:
  - a) To receive declarations of acceptance of office.
  - b) To receive and record notices disclosing interests at meetings.
  - c) To receive and retain plans and documents.
  - d) To sign notices or other documents on behalf of the Council.
  - e) To receive copies of bylaws made by another local authority.
  - f) To sign and issue the summons to attend meetings of the Council.
  - g) To keep proper records for all Council meetings.

QUORUM OF THE COUNCIL

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

7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 48.

VOTING

9. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
- 10. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
- 11. a) Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
  - b) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
  - c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

- 12. At each Annual Parish Council Meeting the first business shall be:-**
  - a) To elect a Chairman of the Council**
  - b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
  - e) To elect a Vice-Chairman of the Council.
  - f) To appoint representatives to outside bodies.
  - g) To appoint committees and sub-committees.
  - h) To consider the payment of any subscriptions falling to be paid annually.

- i) To inspect any deeds and trust investments in the custody of the Council as required;
- j) To set levels under Standing Order 77

and shall thereafter follow the order set out in the Standing Order 15

**13. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.

15. After the first business has been completed, the order of business, unless the Council otherwise decides, shall be as follows:

- a) To take apologies and declarations of interest.
- b) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- c) **After consideration to approve the signature of the Minutes by the person presiding as a correct record**, and then to consider matters arising.
- d) To deal with business expressly required by statute to be done.**
- e) To dispose of business, if any, remaining from the last meeting.
- f) To receive such communications as the person presiding may wish to lay before the Council.
- g) To answer questions from Councillors. (See also Standing Orders 24 to 27)
- h) To receive and consider reports and minutes of committees.
- i) To receive and consider reports from officers of The Council.
- j) To receive and consider resolutions or recommendations in the order in which they have been notified.
- k) To authorise the signing of documents.
- l) If necessary, to authorise the signing of orders for payment.
- m) Any other business specified in the summons.

- | n) By agreement of the chair to discuss urgent additional business.

**URGENT BUSINESS**

16. A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

**RESOLUTIONS MOVED ON NOTICE**

- | 17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk, or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than the Thursday in the week preceding the next meeting of the Council.
- 18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- | 21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Chairman may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

**RESOLUTIONS MOVED WITHOUT NOTICE**

23. Resolutions dealing with the following matters may be moved without notice:

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.

- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the signing of documents.
- k) To amend a resolution.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Standing Orders 68 to 72)
- o) To silence or eject from the meeting a member named for misconduct. (see Standing Order 33)
- p) To invite a member having an interest in the subject matter under debate to remain. (see also Standing Orders 57 and 58)
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To suspend any Standing Order (excluding any Standing Order of The Royal Oak Inn Committee). (see Standing Orders 79 and 80)
- s) To adjourn the meeting.

#### QUESTIONS

- 24. A Member may ask The Chairman or the Clerk any question concerning the business of The Council, provided notice of the question has been given to the person to whom it is addressed before the Meeting begins.
- 25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom a question has been put may decline to answer.

#### RULES OF DEBATE



28. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
29. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed 10 minutes and no other speech shall exceed 10 minutes except by consent of the Council.
- e) An amendment shall be either:-
- i) To leave out words.
  - ii) To leave out words and insert or add others
  - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the resolution before the Council.
- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.
- j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

- m) If in the opinion of The Chairman a resolution cannot be satisfactorily discussed without greater notice or it's subject is not sufficiently identified on the published Agenda for the Meeting he may require the matter to be deferred to the next Meeting, unless, in his opinion it is of such urgency that it should be dealt with forthwith.
- n) When a resolution is under debate no other resolution shall be moved except the following:
  - i) To amend the resolution.
  - ii) To proceed to the next business.
  - iii) To adjourn the debate.
  - iv) That the question be now put.
  - v) That a member named be not further heard.
  - vi) That a member named leave the meeting.
  - vii) That the resolution be referred to a committee.
  - viii) To exclude the public and press.
  - ix) To adjourn the meeting.
- 30. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 31. a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - b) Members shall address the Chairman.
  - c) If two or more members wish to rise to speak, the Chairman shall decide who to call upon and the others shall resume their seats.
  - d) Whenever the Chairman speaks during a debate all other members shall be seated and silent.

#### CLOSURE

- 32. At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The

adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

33. a) **All members must observe the Code of Conduct which was adopted by the council in July 2012, a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England).**
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.
- e) In the event of misconduct by The Chairman, a resolution may be moved or seconded at any time "That the Chairman vacate the Chair". If this motion be passed, The Chairman shall immediately vacate the Chair which shall be taken by the Vice-Chairman if present, or, if not, by a member proposed, seconded and elected by The Council, and shall not resume the Chair until authorised by a further resolution, which shall not be subject to Standing Order 36.

*Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.*

RIGHT OF REPLY

34. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

35. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

36. a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 6 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### VOTING ON APPOINTMENTS

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

#### DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

38. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 68.)

#### RESOLUTIONS ON EXPENDITURE

39. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee or of another committee after recommendation by the Finance and General Purposes Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance and General Purposes Committee shall report on the financial aspect of the matters).

#### EXPENDITURE

40. a) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members** who are authorised signatories.
- b) Except under the provisions of the Standing Order for The Royal Oak Inn Committee, no contract may be entered into without a resolution of The Council or the Finance and General Purposes Committee

#### SIGNING OF DOCUMENTS

41. a) A document shall not be signed on behalf of the Council unless its signing has been authorised by the Council.
- b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may sign, on behalf of the Council, any document required by law to be issued under seal.

#### COMMITTEES AND SUB COMMITTEES

42. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf to the provisions of the Grouping Order and to Standing Orders 82 to 93 below:
- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting;
- b) May appoint persons other than members of the Council to any Committee;
- c) May subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.
43. The Chairman and Vice-Chairman shall be Members of every Committee except The Royal Oak Inn Committee. Unless they are qualified by virtue of being a member of that particular Committee, they shall be non-voting members.
44. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

#### SPECIAL MEETING

45. The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

#### SUB-COMMITTEES

46. Every committee may appoint sub-committees for purposes to be specified by the committee.
47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

#### ADVISORY COMMITTEES

50. a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council
- d) An advisory committee may consist wholly of persons who are not members of the Council.

#### VOTING IN COMMITTEES

51. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
52. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

#### PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

53. Any Member may attend a meeting of any Committee at which he is not a Member and may speak but shall not vote.

#### ACCOUNTS AND FINANCIAL STATEMENT

54. a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council. In case of expenditure relating to The royal Oak Inn, (a) above shall not apply in accordance with Standing Order 85(d).
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate

accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

#### ESTIMATES / PRECEPTS

56. a) The council shall approve written estimates for the coming financial year at its meeting in the month at which the precept is set.
- b) Any Committee desiring to incur expenditure shall, not later than one calendar month before the precept meeting, give to The Clerk a written estimate of the expenditure recommended for the coming year.

#### INTERESTS (ENGLAND)

**57. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 28<sup>th</sup> March 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

**58. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**

*59. Interests (WALES) Omitted, applies to WALES only*

**60. The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Orders 57, 58 and 59 shall apply as appropriate. This Standing Order shall also apply to the appointment of anyone as a Tenant of The Royal Oak Inn.

62. The Clerk shall make known the purpose of Standing Order 61 to every candidate.

#### CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

63. a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

- b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
64. Standing Order Nos. 61 & 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### INSPECTION OF DOCUMENTS

65. A member may for the purpose 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, for which a fee may be charged.

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

#### UNAUTHORISED ACTIVITIES

67. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions,
- unless authorised to do so by the Council or the relevant committee or sub-committee.

#### ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

**68. The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution::**

"That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

69. The Council shall state the special reason for exclusion.
70. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
71. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.



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

**CONFIDENTIAL BUSINESS**

73. a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

**LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

74. A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.
75. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

**PLANNING APPLICATIONS**

76. a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council::
- i) the date on which it was received;
  - ii) the name of the applicant;
  - iii) the place to which it relates.
  - iv) A summary of the nature of the application.
- b) The Clerk shall refer every planning application received to the Chairman / Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.
- c) In the event of a Planning amendment being received for consideration by the Parish Council, where the amendment is related to a Planning Application that has previously received "No Objection" from The Planning Committee then any three members of the Planning Committee, which should include either The Chairman or Vice Chairman of that Committee, may, if necessary, take a majority decision on the amendment without the need to summon a Committee Meeting, such decision to be recorded at the next meeting of both the Planning Committee and full Council.

## FINANCIAL MATTERS

77. The Council shall consider and approve Financial Regulations drawn up by the Finance and General Purposes Committee.

- a) Such Regulations shall include detailed arrangements for the following:
  - i) the accounting records and systems of internal control;
  - ii) the assessment and management of risks faced by the Council;
  - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - iv) the financial reporting requirements of members and local electors and
  - v) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £10,000.
- b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in (3) below.
- c) Any formal tender process shall comprise the following steps:
  - i) a public notice of intention to place a contract to be placed in a local newspaper;
  - ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - iv) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
  - v) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 61, 63 & 64 regarding improper activity.
- e) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

*Note: Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level*

(Note: Some Standing Order **must** be made for contracts for the supply of goods or the execution of works)

CODE OF CONDUCT ON COMPLAINTS

78. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

79. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

80. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

81. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

BUSINESS RELATING TO THE ROYAL OAK INN

82. It is the Policy of The Council to administer The Inn in such a way as to maintain its traditional character and its value as a local amenity for the inhabitants of Meavy; insofar as is consistent with this aim, and with behaving as a good landlord to the Tenants of the Inn, The Councils policy is to obtain the best commercial return on The Inn as a commercial enterprise. The Council has delegated the administration of this Policy to The Royal Oak Inn Committee.

83. At the first business meeting following the holding of elections, The Chairman must invite not less than four nominations for the Inn Committee. The Chairman shall only accept the nominations of Councillors known by him to be resident within the boundaries of The Parish of Meavy as constituted immediately prior to the formation of the Grouped Parish. Casual vacancies on The Inn Committee shall be similarly filled at the next business Meeting following the vacancy. If at any time the number of vacancies is such that there are not three eligible Councillors, The Chairman may nominate Councillors to bring the number on the Committee up to three pending elections, but the nominated Councillors shall automatically resign when eligible replacements are available.

84. When a meeting of The Inn Committee has taken place, the Committee shall make a full report of all business transacted to the next Meeting of The Council and shall give notice of and move any special resolution required by Standing Order 85.

85. A special resolution shall be required where The Inn Committee proposes:
- a) To sell the Inn or any part of it;
  - b) To raise money on the security of The Inn or to repay any existing loan secured on it other than according to its original terms;
  - c) To grant a lease of The Inn for a term exceeding three years;
  - d) To undertake work whose estimated costs exceed the lesser of:
    - i) the anticipated surplus of income over expenditure for The Inn during the year in which payment will fall due;
    - ii) one quarter of the current annual rental of The Inn.

A special resolution of The Inn Committee shall be moved, seconded and noted upon in accordance with The Council's Standing Orders for normal business.

86. All other Inn Committee transactions shall be included in a Report under Standing Order 84. At the end of the Report it shall be formally moved and seconded that The Council take note of an Inn Committee Report. No amendment shall be moved to the motion to take note of an Inn Committee (unless accepted by the proposer), except an amendment "That The Council adjourn consideration of the Committee's report pending suspension of the Standing Orders under Standing Order 90". Unless such an amendment is carried, the motion to take note of the Report shall be declared carried by The Chairman and The Committees' transactions as reported (including any proposal for expenditure not requiring a special resolution) shall thereby be authorised by The Council. If a motion to adjourn is carried, but no resolution under Standing Order 90 has been lodged by the date of the next Meeting, The Chairman shall formally declare the motion to take note of The Committee's Report carried at the next Meeting.
87. The Policy of The Council in relation to the finances of The Inn is:-
- a) To apply The Inn's gross revenue in the first instance to the maintenance and development of The Inn itself, and to the servicing of any loan secured upon it, and to build up and maintain a proper commercial reserve against future exceptional expenditures;
  - b) To apply any surplus to grants and projects which The Council would not normally feel able to authorise from expenditure raised by Precept, with particular emphasis on grants and projects for the benefit of The Parish of Meavy.
88. The Clerk shall keep, in consultation with the Chairman of The Council and of The Inn Committee, a special memorandum Account showing:
- a) An annual trading account for the financial year showing income and expenditure;
  - b) The amount recommended by The Inn Committee to be held as a reserve out of any surplus.

89. The Council may at any time require The Inn Committee to prepare an estimate of income and expenditure for the current or next year, and of any reserve required.
90. Standing Orders relating to The Inn may be suspended, amended or revoked only by a special resolution of The Council at a Meeting held for the purpose. A resolution must be signed by six Members and lodged with The Clerk who shall, in consultation with The Chairman, summons a Special meeting of The Council within 28 days of receipt of the resolution, giving not less than 14 days notice to Councillors of the date of the Meeting. Every such Meeting shall be held at Meavy. A resolution to suspend Standing Orders, if passed by the Special Meeting, shall be effective only for the duration of that Meeting, and every such resolution shall specify the terms of any motion relating to Inn matters which it is proposed should be dealt with during the suspension.
91. At a Special Meeting of The Council to consider a resolution to suspend , amend or revoke the Standing Orders, the Order of Business shall be:-
- a) A statement by The Chairman of The Inn Committee or his deputy, not exceeding 5 minutes in duration, reminding The Council of the circumstances in which The Inn passed under the control of The Council, and the reasons which led to the adoption of the present Standing Orders.
  - b) Debate and vote on the resolution.
  - c) If the resolution was to suspend and was carried, then proceed to debate and vote on the resolutions submitted when the proposal to suspend was lodged with The Clerk.
  - d) If a motion to suspend has not been carried and was moved following the adjournment of an Inn Committee Report under Standing Order 86, proceed to consideration of the adjourned report.
92. The following consequential amendments to other Standing Orders are also incorporated in the Standing Orders for The Inn, and may only be suspended, amended or revoked under the procedures in Standing Orders 90 & 91:
- The Council's general power to dissolve or alter a Committee shall not be exercised in respect of The Inn Committee.
93. All Meetings of The Inn Committee at to be held at Meavy Parish Hall or some other public place in Meavy as appropriate and three clear days notice must be given to the public.

## **GUIDELINES FOR CHAIRMANSHIP**

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*(NOTE: In this part, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee," where any function has been delegated.)*

#### **BASIC PRINCIPLES**

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions which they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:
  - a) protect the Council against *outside interference*;
  - b) ensure that everything to be discussed is *lawful*;
  - c) ensure that the Council is invited to deal with *clear issues*;
  - d) ensure that as far as possible *information is complete*;
  - e) permit every point of view to have a *fair hearing*;
  - f) ensure that opinions expressed are *relevant* to the matter in hand;
  - g) ensure that business is transacted with *reasonable speed*;
  - h) ensure as far as possible that proceedings are *friendly* and *free form personalities*;
  - i) co-operate with the officers and councillors.

THE AUTHORITY OF THE CHAIR

*Origin*

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

*Nature and Limitations*

5. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.
6. The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

PRELIMINARY

7. Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

OUTSIDE INTERFERENCE

*Public Disturbances*

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but maybe necessary.

9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

#### *Personal and Prejudicial Interests*

10. The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial (England) or requires withdrawal (Wales), the member should withdraw from the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should before a meeting consider whether any member (including himself) may have any such interest, and may draw the individual member's attention to the possibility before it starts. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board (England) or the Commission (Wales).

#### *Rulings on notices*

11. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

#### *Quorum*

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application for dispensation to their standards committee where appropriate.

#### *Ultra Vires Proposals*

13. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section 137 power (*contained in the Local Government Act 1972*) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

#### A CLEAR ISSUE

14. *Every* decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and



each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:

- a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
- b) Where there is more than one solution to a problem each solution must be separately put to the vote.

*The affirmative Form*

15. The most exact method of putting a question to the vote is by the use of the following formula:-

"The resolution is as follows: -

*(e.g.) 'That the Clerk's salary be raised to £5,000 a year.'*

The motion is that this resolution be agreed to."

(Note: A *resolution* is a proposal of the action intended to be taken: for example "That the Council buy a mower". A *motion* is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by \_\_\_\_\_" or "The motion is that the Council do now adjourn".)

*Separating the Issues*

16. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

17. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

"If the Council is to spend its money would it prefer a swimming pool or a playing field?"

In more formal language the issue is put to the vote by substantive resolution and amendment: -

"The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

*leave out the words 'swimming pool' and substitute the words 'new playing field.'*

The motion is that this is amendment be agreed to."

18. A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion

of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*. (See also paragraph 35 below.)

#### METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

#### COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

#### IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

#### RELEVANCE

##### *General Rule*

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

*Personalities*

24. The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

*Methods of Enforcement*

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

*Revival of Decided Issues*

26. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly ruled out of order as irrelevant to the matter *now* under discussion, even if the member who raises it was not present when the item was considered.

*Minutes*

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

*Other Problems*

- 28.
- a) If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under "Matters Arising". That heading should be used only for reports of progress, and not for new or additional decisions.
  - b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example "Mrs Smith of \_\_\_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_\_\_ Lane".

REASONABLE DESPATCH

*Intervals*

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the

County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

#### *Obstruction at Meetings*

30. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (*For points of order see paragraph 33 below.*)

#### *Repetition*

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

#### *References*

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

### SOME PROCEDURAL POINTS

#### *Points of Order*

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (See Standing Order 31(a) below.)

#### *Procedural Resolutions*

34. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

*Closure Motions*

35. The following are the respective effects of closure resolutions:

- a) On the passing of a resolution to proceed to *next business* proceedings on the business in hand come to a stop and no decision upon it can be taken.
- b) On the passing of a resolution that the *question be now put* the mover is usually entitled to reply before the matter is put to the vote. By custom the chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- c) A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

*Amendments*

36.

- a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.
- b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 18 above.)

*"Any Other Business"*

37. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under "A.O.B." or the giving of a preliminary notification of important business for next time.

*"Urgent" Business*

38. The law makes no provision for dealing with "urgent" business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely "urgent", that is it was too late for the agenda *and* it will be too late for action if left till the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

USE OF CHAIRMAN'S VOTES

39. Save on one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other

members are voting, and it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."

40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

#### PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is opinion that such exclusion is reasonable and in the public interest. Where the public and Press have been excluded the *decisions* made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion *must* be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

#### MALADMINISTRATION

42. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published *National Circular 2/86 – Code of Practice in Handling Complaints*, which recommends a standard and formal procedure to all Councils. In light of the Local Government Act 2000, Councils are recommended to agree, with their Standards Committee, a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board.

#### PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

#### LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order. This has not been done here, but councillors may well find it advantageous to establish a custom.

## **BURRATOR GROUP ORDER 1979**

The parishes of Meavy, Sheepstor and Walkhampton first became the Burrator Group Parish as a result of a Grouping Order 1973. It was later recognised that this Grouping Order did not fully cover the issue of ownership and management of the Royal Oak Inn. As it is not possible to amend a grouping order, the only option was to dissolve the Burrator Group Parish Council and then to regroup with a new Burrator Parish Group Order.

What follows is a transcription of the Burrator Group (Dissolution) Order 1979 and the Burrator Group Order 1979. The original documents are held by West Devon Borough Council. Photocopies of the original documents are held by the Clerk to the Parish Council.

DISTRICT OF WEST DEVON  
BURRATOR GROUP (DISSOLUTION) ORDER 1979  
DISSOLVING A GROUP OF PARISHES

WHEREAS:-

(1) The Parishes of Meavy and Sheepstor and Walkhampton are grouped under a common parish council by the County of Devon (Parishes of Meavy, Sheepstor and Walkhampton Grouping Order 1973) Council.

(2) The group is named, "the Burrator Group" and the grouped parish council is named "The Burrator Parish Council" (hereinafter referred to as "the grouped parish council").

(3) The Parish Meetings of Meavy, Sheepstor and Walkhampton have applied to the District Council of West Devon (hereinafter referred to as "the District Council") for an order dissolving the group as presently constituted.

NOW THEREFORE the District Council in exercise of their powers under Section 11 of the Local Government Act 1972 and of all other power enabling them in that behalf hereby make the following order:-

1. The Burrator Group and its grouped parish council as constituted by the County of Devon (Parishes of Meavy, Sheepstor and Walkhampton Grouping Order 1973) shall be dissolved.

2. The Burrator group and its group parish council shall be reconstituted under new arrangements by a separate Grouping Order of even date.

3. The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

4. This order may be cited as the Burrator Group (Dissolution) Order 1979 and shall come into operation on the twenty-eighth day of May 1979.

Given under the Common Seal of the West Devon District Council this Twenty-third day of May 1979.

THE COMMON SEAL OF THE WEST DEVON DISTRICT COUNCIL

WAS AFFIXED HERETO IN THE PRESENCE OF:-

CHAIRMAN

CHIEF EXECUTIVE

DISTRICT OF WEST DEVON  
BURRATOR GROUP ORDER 1979

regrouping the Parishes of Meavy, Sheepstor and Walkhampton  
under a Common Parish Council

WHEREAS:-

(1) The Parishes of Meavy, Sheepstor and Walkhampton are neighbouring parishes and the parish meetings of all the parishes have applied to the District Council of West Devon (hereinafter referred to as "the District Council") for an order grouping the parishes under a common parish council.

NOW THEREFORE the District Council in exercise of their powers under Section 11 of the Local Government Act 1972 and of all other powers enabling them in that behalf hereby make the following order:-

1. The parishes of Meavy, Sheepstor and Walkhampton shall be grouped under a common parish council. The group shall be named "The Burrator Group" and the common parish council shall be named "The Parish Council of Burrator".

2. The number of parish councillors for each parish shall be that specified in respect thereof in the following table:

<u>TABLE</u>	
Parish of Meavy	7
Parish of Sheepstor	1
Parish of Walkhampton	8
Total	16

3. The first parish councillors shall be elected on the ordinary day of election of such councillors in 1979. The persons elected shall come into office on the fourth day after such ordinary day of election, and shall retire on the fourth day after the ordinary day of election of councillors in 1983.

4. The annual meeting of the common parish council in 1979 shall be held on or within fourteen days after the day on which the first parish councillors take office and shall be convened by the Chairman of the Meavy, Sheepstor and Walkhampton Parish Meetings and in default by the Chief Executive of the West Devon District Council.

5. There shall be a separate parish meeting for each parish.

6. Where under the provision of any enactment or instrument the consent of the parish meeting for a parish is required in respect of any act done, or proposed to be done, by a parish council, the consent of the parish meeting of each parish affected by the act shall be necessary in respect of such act done, or proposed to be done, by the common parish council.

7. For the purpose of the application to the parishes of all or any of the provisions of Section 37 of the Charities Act 1960 and any of the provisions of the Local Government Act 1972 with respect to the custody of



parish documents, so as to preserve the separate rights of each parish, the common parish council shall be deemed to be the separate parish council for each parish.

Provided that the consent of the parish meeting for any parish shall be required to any act of the common parish council under the said provisions which relates only to the affairs of that parish.

8. All property and liabilities vested in or attaching to the Parishes of Meavy, Sheepstor and Walkhampton shall by virtue of this order on the day of its coming into operation be transferred to and vest in or attach to the Parish Meeting or the Parish Trustees of the Parish.

9. All property and liabilities vested in or attaching to the Grouped Parish of Burrator as constituted in 1973 shall by virtue of this order be transferred to and vest in or attach to the new Common Parish Council of Burrator.

All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the Grouped Parish Council of Burrator as constituted in 1973 shall as from the day of the coming into operation of this order effect in favour of, or against, the new Common Parish Council of Burrator.

Any action or proceeding or any cause of action or proceeding, pending or existing as at the day of the coming into operation of this Order, or against, the Parish Council of Burrator as constituted in 1973 shall not be prejudicially affected by this order, and may be continued, prosecuted and enforced by, or against, the new Common Parish Council of Burrator.

10. In so far as matters relating to the Royal Oak Inn at Meavy are concerned the following provisions shall expressly apply:

(a) The Royal Oak Inn shall not be sold or otherwise pass out of the Common Parish Councils possession, without the agreement of a Meavy Parish Meeting called specifically to consider such a proposal.

(b) The administration of said Inn shall be delegated to an Inn Standing Committee of the Common Parish Council and the membership of that Committee shall be composed solely of councillors resident within the Parish of Meavy.

11. The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

12. This order may be cited as the Burrator Group Order 1979 and shall come into operation on the Twenty-eighth day of May 1979.

Given under the Common Seal of the West Devon District Council this Twenty-third day of May 1979.

THE COMMON SEAL OF THE WEST DEVON DISTRICT COUNCIL

WAS AFFIXED HERETO IN THE PRESENCE OF:-

CHAIRMAN

CHIEF EXECUTIVE