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0 Overriding Objective

The overriding objective of these rules is to facilitate the carrying on of the business of the Parish Council efficiently, effectively, fairly, lawfully and openly in the interests of all the parishioners of Combe Martin. These rules shall be interpreted and operated in that spirit.

1 Meetings

1.1 Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

1.2 When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

1.3 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

1.4 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.

1.5 The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting. At Committee meetings the Chairman of that Committee shall preside and, in his or her absence, the Chairman of the Council shall preside. If both are absent, the first business shall be to elect a chairman for that particular meeting.

1.6 Subject to standing order 1.14 below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

1.7 The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2.8 and 2.9 below.)

1.8 Unless standing orders provide otherwise, voting on any question shall be

by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

1.9 The minutes of a meeting shall record the names of councillors present and absent.

1.10 **When**, prior to a meeting, a Councillor submits reasons and apologies for his absence at the meeting, such apologies and reasons shall be recorded in the minutes of that meeting, where these are accepted by the Council. Apologies and reasons shall be advised to the Clerk by 2 hours before the meeting.

1.11 The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

1.12 An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing orders 7 and 8 below.)

1.13 Quorum

No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.

1.14 If a council or committee meeting is or becomes inquorate no business shall be transacted but recommendations may be put forward to the next Council meeting. Any outstanding business on the agenda may be transacted at a following meeting.

1.15 If a committee meeting is or becomes inquorate, and if there is more than one councillor present, the meeting may be held. A record of the meeting and any recommendations made shall be considered at the next parish council meeting and, if it is considered appropriate, that record or part of the record shall be adopted and the actions arising carried out.

1.16 Duration of meetings

Meetings shall not exceed a period of 3 hours.

1.17 Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.

1.18 In accordance with standing order 1.3 above, the press shall be provided

reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

1.19 Public Participation at meetings

A member of the public may speak at a Council or Committee meeting if invited to do so by the Chairman or, in the absence of such invitation, after a vote in favour by members.

1.20 A person shall raise his/her hand when requesting to speak.

1.21 Any person speaking at a meeting shall address his/her comments to the Chairman.

1.22 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

1.23 Rules for members of the public asking questions at Parish Council meetings

If the matter is not able to be answered at that meeting, the Chairman may advise the enquirer that a reply will be provided within a reasonable length of time.

1.24 Scope

The Clerk or Chairman may reject a question/statement if it:

1.24.1 is not about a matter for which the local authority has a responsibility or which affects the Parish of Combe Martin,

1.24.2 is defamatory, frivolous or offensive,

1.24.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months,

1.24.4 requires the disclosure of confidential information.

1.25 Whenever questions are received which do not relate to parish council business, the question shall not be included in the list of questions to be placed on the agenda, but shall be referred to the appropriate body and the enquirer advised accordingly.

1.26 Speaking at the meeting

The Chairman will invite the individual to put the question/statement to the Meeting. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman or Clerk to put the question on their behalf.

1.27 Members of the public speaking at the public session of the Council are limited to a maximum period during which they may speak of 3 minutes.

1.28 The Press and the Public are invited to speak before the meeting commences. Once the meeting has been convened, no member of the Press or the Public is permitted to speak, unless specifically requested by the Chairman so to do.

2. Ordinary Council meetings

See also standing order 1 above

2.1 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.

2.2 In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.

2.3 If no other time is fixed, the annual meeting of the Council shall take place at 6pm.

2.4 In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

2.5 The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.

2.6 The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.

2.7 The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

2.8 In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

2.9 In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

2.10 Annual Parish Council Meeting

Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:

2.10.1 In a year that is not an election year:

2.10.2 Confirmation of the accuracy of the minutes of the last meeting of the Council.

2.10.3 Review of delegation arrangements to committees, sub-committees, employees and other local authorities.

2.10.4 Review of the roles of Council's committees.

2.10.5 Consideration of whether there should be any changes to membership of existing committees.

2.10.6 Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.

2.10.7 Review of Committee Chairmen and Representatives to Outside Bodies.

2.10.8 Review and adoption of appropriate standing orders and financial regulations.

2.11 In an election year:

In an election year, the following shall also be done:

2.11.1 Delivery by councillors of their declarations of acceptance of office.

2.11.2 Receipt of nominations to existing committees.

2.11.3 Appointment of Committees and Committee Chairmen and Representatives to Outside Bodies.

2.12 Business to be conducted at each monthly Council meeting

2.12 After the first business has been completed the Council shall receive such declarations of acceptance of Office (if any) as are required by law to be made, and thereafter the order of business, unless the Council decides otherwise on the grounds of urgency, shall be:

2.12.1 to read and consider the Minutes of the last full Council meeting and any Extra-Ordinary meetings; 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,

2.12.2 after consideration, to approve the signature of the minutes by the presiding Chairman as a correct record,

2.12.3 to deal with business expressly required by Statute to be done,

2.12.4 to dispose of business remaining from the last full Parish Council meeting,

2.12.5 to receive and note minutes of and/or to determine recommendations made by committees.

2.12.6 to consider and dispose of business arising from reports of Committees and Officers,

2.12.7 to receive correspondence received lawfully by the Council,

2.11.8 to consider motions and business specified in the summons,

2.11.9 to authorise payments of accounts.

2.13 The Ordinary meetings of the Parish Council shall be held on the second Monday

of each month, at such time and place as the Chairman may set, unless the Council, by resolution, varies the date of a particular meeting.

2.14 Annual Parish Meeting

2.14.1 The Annual Parish Meeting shall be held in each year. The time, date and place shall be decided by the Parish Council and will be held between 1 March and 31 May.

2.14.2 Special Parish Meetings may be called by the Chairman of the Parish Council at any time, or by the signed requisition of either two Parish Councillors or six Parish Electors. No Parish Meeting, Annual or Special, shall commence before 6pm.

2.15 Committee meetings

Meetings of the Committees and Sub-Committees of the Parish Council may be called by the Chairman of the Committee or by the Chairman of the Council as required.

3 Proper Officer

3.1 The Council's Proper Officer shall be the clerk or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

3.2 The Council's Proper Officer shall do the following:

3.2.1 Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.

Unless councillors individually specify otherwise, in the event that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient, electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.

3.2.2 Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

3.2.3 Subject to standing orders 4.1 to 4.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.

3.2.4 Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with

standing order 3.2.1 above.

3.2.5 Make available for inspection the minutes of meetings.

3.2.6 Receive and retain copies of byelaws made by other local authorities.

3.2.7 Receive and retain declarations of acceptance of office from councillors.

3.2.8 Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

3.2.9 Keep proper records required before and after meetings;

3.2.10 Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.

3.2.11 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

3.2.12 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

3.2.13 Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14.1 and 14.2.*)

3.2.14 Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

3.2.15 If a planning application is received at such time that the consultation period expires before the date of the next council meeting, a request shall be made to the planning authority for a time extension to enable it to be considered at that meeting. If this is declined, the application shall be considered by the Highways Property and Planning Committee within the deadline, unless the Council Chairman considers the application to be so significant as to require consideration at an Extra-Ordinary Council meeting.

3.2.16 Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

4.1 In accordance with standing order 3.2.3 above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.

4.2 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.

4.3 If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.

4.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

4.5 Having consulted the Chairman or councillors pursuant to standing order 4.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

4.6 Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.

4.7 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

5.1 Motions in respect of the following matters may be moved without written notice.

5.1.1 To appoint a person to preside at a meeting.

5.1.2 To approve the accuracy of the minutes of the previous meeting.

5.1.3 To correct an inaccuracy in the minutes of the previous meeting.

5.1.4 To dispose of business, if any, remaining from the last meeting.

5.1.5 To alter the order of business on the agenda for reasons of urgency or expedience.

5.1.6 To proceed to the next business on the agenda.

5.1.7 To close or adjourn debate.

5.1.8 To refer by formal delegation a matter to a committee or to a sub-committee or an employee.

5.1.9 To appoint a committee or sub-committee or any councillors (including substitutes) thereto.

5.1.10 To receive nominations to a committee or sub-committee.

5.1.11 To dissolve a committee or sub-committee.

5.1.12 To vary the membership of a committee.

5.1.13 To note the minutes of a meeting of a committee or sub-committee.

5.1.14 To consider a report and/or recommendations made by a committee or a sub-committee or an employee.

5.1.15 To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.

5.1.16 To authorise legal deeds to be signed by two councillors and witnessed.
(See standing orders 14.1 and 14.2 below.)

5.1.17 To authorise the payment of monies up to £ 1,000.

- 5.1.18 To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- 5.1.19 To extend the time limit for speeches.
- 5.1.20 To exclude the press and public for all or part of a meeting.
- 5.1.21 To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- 5.1.22 To give the consent of the Council if such consent is required by standing orders.
- 5.1.23 **To suspend any standing order except those which are mandatory by law.**
- 5.1.24 To adjourn the meeting.
- 5.1.25 To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- 5.1.26 To answer questions from councillors.

6 Rules of debate

6.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

6.2 Subject to standing orders 4.1 and 4.5 above, a motion shall not be considered unless it has been proposed and seconded.

6.3 Subject to standing order 3.2.3 above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

6.4 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

6.5 A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

6.6 Any amendment to a motion shall be either:

- 6.6.1 to leave out words;
- 6.6.2 to add words;
- 6.6.3 to leave out words and add other words.

6.7 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

6.8 Only one amendment shall be moved and debated at a time, the order of which

shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

6.9 Subject to Standing Order 6.8 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

6.10 Pursuant to standing order 6.8 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

6.11 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

6.12 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.13 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.

6.14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

6.15 Subject to standing orders 6.13 and 6.14 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.

6.16 During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.

6.17 A point of order shall be decided by the Chairman and his decision shall be final.

6.18 A member when speaking shall address the Chairman. Whenever the Chairman rises during a debate all other members shall be silent.

6.19 With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

6.20 Subject to standing order 6.15 above, when a councillor's motion is under

debate no other motion shall be moved except:

- 6.20.1 to amend the motion;
- 6.20.2 to proceed to the next business;
- 6.20.3 to adjourn the debate;
- 6.20.4 to put the motion to a vote;
- 6.20.5 to ask a person to be silent or for him to leave the meeting;
- 6.20.6 to refer a motion to a committee or sub-committee for consideration;
- 6.20.7 to exclude the public and press;
- 6.20.8 to adjourn the meeting;
- 6.20.9 to suspend any standing order, except those which are mandatory.

6.21 In respect of standing order 6.20.4 above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

6.22 No discussion shall take place upon the minutes except as to their accuracy. Any corrections to the minutes shall be made by resolution, and must be initialled by the presiding Chairman.

7 Code of conduct

See also model standing orders 1.19 and 1.31 above

7.1 All councillors shall observe the code of conduct adopted by the Council.

7.2 All councillors shall undertake training in the code of conduct if available.

7.3 If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7.4 below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

7.4 Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

8 Questions

8.1 A member may ask the Chairman any question concerning the business of the Council or the Chairman of any Committee any business of that Committee. The person to whom the question is put may decline to answer or may request an appropriate official to answer or may answer at the next meeting. Every question shall be put and answered without discussion.

9 Minutes

9.1 If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

9.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5.1.3 above.

9.3 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

9.4 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

9.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10 Disorderly conduct

10.1 No person shall persistently obstruct the transaction of business at a meeting or behave offensively or improperly. Any councillor so acting may be required to leave the meeting upon a vote of the council or committee. Any other person so acting may be required to leave by decision of the chairman or upon such a vote.

10.2 If, in the opinion of the Chairman, there has been a breach of standing order 10.1 above, the Chairman shall express that opinion and thereafter any councillor

(including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

10.3 If a resolution made in accordance with standing order 10.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

10.4 Likewise, if a member of the press or public in the opinion of the Chairman misconducts himself/herself by interrupting the meeting then the Chairman shall request the offending member of the press or public to retire from the meeting.

11 Rescission of previous resolutions

11.1 A decision of the Council (whether affirmative or negative) shall not be revisited within six months, and no motion of amendment to the same effect as one which has been negatived during the preceeding six months shall be proposed unless the Chairman, or the Council by vote, is satisfied that circumstances have altered significantly.

12 Voting on appointments

12.1 Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13 Expenditure

13.1 Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

13.2 The Council's financial regulations shall be reviewed once a year.

13.3 The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

14 Execution and sealing of legal deeds

See also standing order 5.1.16 above

14.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

14.2 In accordance with a resolution made under standing order 14.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

15 Committees

See also standing order 1 above

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

15.1.1 shall determine their terms of reference;

15.1.2 may permit committees to determine the dates of their meetings;

15.1.3 shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;

16 Sub-committees

See also standing order 1 above

16.1 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17 Extraordinary meetings

See also standing order 1 above

17.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

17.2 If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

17.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

17.4 If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for

such a meeting must be signed by 2 councillors.

18 Advisory committees

See also standing order 1 above

18.1 The Council may appoint advisory committees or working parties comprised of a number of councillors and non-councillors.

19 Accounts and Financial Statement

19.1 All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

19.2 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20 Estimates/precepts

20.1 The Council shall approve written estimates for the coming financial year at its meeting before the end of December.

20.2 Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than November.

21 Canvassing of and recommendations by councillors

21.1 Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

21.2 A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the

Council with an application for appointment.

21.3 This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 Access to Documents by Councillors

1.1. Subject to standing orders to the contrary or in respect of matters which are so sensitive or confidential (the onus of proving which lies with the Proper Officer or other objecting party) a councillor may, for the purpose of his duties as a councillor (but not otherwise) inspect any document in the possession of the Council and request a copy for the same purpose.

22.2 Before making a request under 22.1 a councillor shall bear in mind firstly their duty of confidentiality and secondly the strain that unnecessary requests place on the council's resources.

23 Unauthorised activities

23.1 Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

23.1.1 inspect any land and/or premises which the Council has a right or duty to inspect; or

23.1.2 issue orders, instructions or directions.

23.2 The Chairman of the Council or Chairman of a Committee, in matters under the jurisdiction of his Committee, may answer correspondence or issue orders in circumstances where the policy of the Council is known.

23.3 In an emergency, or when the Proper Officer is absent, the Chairman and Chairman of the Emergency Committee (or Vice-Chairmen) shall take appropriate steps to deal with the emergency.

24 Confidential business

24.1 Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

24.2 A councillor in breach of the provisions of standing order 24.1 above may be removed from a committee or a sub-committee by a resolution of the Council.

24.3 If the meeting has passed a resolution to exclude the Press and/or the Public, it shall still be possible for the Chairman to invite a member of the public to remain, if by so doing the member of the public may provide Council with information relevant to the subject under discussion. That member of the public may be invited to speak by the Chairman, or answer questions put by councillors, but shall then withdraw from the meeting, to enable councillors to debate the matter under consideration and make appropriate decisions without the Press and the Public being present.

25 General Power of Competence

25.1 Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

25.2 The Council's period of eligibility begins on the date that the resolution under standing order 25.1 above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

25.3 After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of wellbeing which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25.2 above.

26 Matters affecting council employees

26.1 If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the relevant committee has decided whether or not the press and public shall be excluded pursuant to standing order 1.3 above.

26.2 Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency.

26.3 The Chairman or in his absence, the Vice-Chairman, shall upon a resolution conduct a review of the performance and appraisal of the Clerk, and similarly the Clerk shall conduct a review of the performance of other members of staff, and shall keep a written record of it. The review and appraisal shall be reported back to the Personnel Committee and shall be subject to approval by resolution by the Personnel Committee.

26.4 Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in his absence, the Vice-Chairman, in respect of an informal or formal grievance matter, and this matter shall be reported back and

progressed by resolution of the Personnel committee.

26.5 Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.

26.6 Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

26.7 The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

26.8 Records documenting reasons for an employee's absence due to ill health or accident or details of a medical condition shall be made available only to those persons with responsibility for the same and the Health and Safety Executive.

26.9 Only the Clerk (and in the Clerk's absence, the Administration Assistant) shall have access to employee records referred to in standing orders 26.7 and 26.8 above, if so justified.

26.10 Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26.7 and 26.8 above shall be provided only to the Clerk.

27 Freedom of Information Act 2000

27.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

27.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. Where necessary, the Chairman shall have discretion to refer the matter to an appropriate committee to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3.2.10 above.

28 Relations with the press/media

28.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media, as set out at 28.3.

28.2 In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

28.3.1 The Clerk shall be the first point of call for members of the Press and the Media.

28.3.2 If the Clerk receives a request for information from the Press or the Media, and it is merely factual, information should be supplied as requested. If a statement or interview is needed, or the matter is not just a matter of facts, the Clerk shall contact the Chairman who shall give the Press/Media a verbal or written statement or interview. If appropriate, the Chairman may refer the matter to another councillor with expertise in the particular area that the enquiry is about.

28.3.3 In the Chairman's absence, the Clerk shall refer the matter to the Vice-Chairman or a councillor with expertise in the particular area that the enquiry is about.

28.3.4 Councillors who receive requests for a verbal or written statement or interview shall refer the matter to the Chairman, or to the Clerk, who shall follow the above procedure, but this does not prevent the member so approached from speaking in their own right.

29 Liaison with District and County Councillors

29.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County Councils for the wards of Combe Martin.

30 Financial matters

30.1 The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

30.1.1 the accounting records and systems of internal control;

30.1.2 the assessment and management of financial risks faced by the Council;

30.1.3 the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;

30.1.4 the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;

30.1.5 procurement policies (subject to standing order 30.2 below) including the setting

of values for different procedures where the contract has an estimated value of less than £30,000.

30.2 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £15 ,000 shall be procured on the basis of a formal tender as summarised in standing order 30.3 below.

30.3 Any formal tender process shall comprise the following steps:

30.3.1 a public notice of intention to place a contract to be placed in a local newspaper;

30.3.2 a specification of the goods, materials, services and the execution of works shall be drawn up;

30.3.3 tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;

30.3.4 tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;

30.3.5 tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

30.4 Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

30.5 Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

31 Allegations of breaches of the code of conduct

31.1 On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall notify the Chairman and advise the complainant to make a formal complaint to North Devon Council's Monitoring Officer.

31.2 Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman before making the complaint to North Devon Council's Monitoring Officer unless the complaint is about the Chairman.

31.3 The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the appropriate steps to maintain confidentiality.

31.4 Standing order 31.3 above should not be taken to prohibit the Council (whether

through the Proper Officer or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

31.5 References in standing order 31 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.

32 Suspension and interpretation of standing orders

32.1 Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

32.2 The Chairman's decision as to the application of standing orders at meetings shall be final.

32.1 A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

33 Standing orders to be given to councillors

33.1 The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

33.2 The Chairman's decision as to the application of standing orders at meetings shall be final.

33.3 A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

34 Resignation

34.1 Any member or Officer of the Council may at any time tender his resignation from the Council or Committee or Office thereof in writing to the Chairman or to the Clerk. Any such resignation shall be effective immediately upon its receipt.

34.2 In the event of any member ceasing to be a member of the Council, he shall cease to be a member of the Council's Committees or to represent the Council upon any

other body. Any vacancy arising in the Council shall be publicly notified. The clerk shall make as true an estimate as possible of the monetary cost to the Parish Council of a bye-election, and publish such information at the same time. If a poll is claimed within 14 days by ten Parish Electors, a bye-election shall be held. If no poll is claimed the Parish Council shall, at its next meeting, fill the vacancy by co-option. An absolute majority of those present and voting shall be required.

35 Role of Council's Committees

35.1 The Council shall appoint the Committees it needs to function as a well run Council. These Committees do not have to be permanent but can only be changed by the recommendation of the Full Council.

Audit Committee
Asset Management Committee
Personnel Committee
Emergency Committee
Finance – The Full Council
Planning Sub Committee
Holland's Park Sub Committee
Holland's Park Lease Sub Committee

35.2 Committee Make-Up and Functions:

35.2.1 *Audit Committee* - five members, other than the Parish Council Chairman and Vice-Chairman.

35.2.1.1 To review the working of the Council - to carry out a financial check, and check that Council's adheres to all of its written policies and to review those policies yearly.

35.2.1.2 To meet if possible four times a year.

35.2.2 *Asset Management Committee* – five members.

35.2.2.1 To meet as directed by the Full Council

35.2.2.2 To review this Council's Properties: structures, rents and insurance annually.

35.2.2.3 To keep the Asset Register up-to-date.

35.2.2.4 To project manage as directed by the Full Council.

35.2.2.5 The Asset Management Committee acts as the co-ordination point for all of the issues prior to bringing them to full Council. The Asset Management Committee shall be responsible for the CMPC Asset Management of all facilities at Holland's Park.

35.2.3 *Personnel Committee* - five members, two of whom shall be the Chairman and Vice-Chairman. Neither the Chairman nor the Vice-Chairman shall be Chairman of the Personnel Committee.

35.2.3.1 To consider all matters concerning the Council's employees, including appointing all staff other than the clerk.

35.2.3.2 The Committee shall be empowered to take decisions and such action as is seen fit to deal with any unforeseen personnel matters which may arise from time to time, including this Council's Employers' Duty of Care.

35.2.3.3 When urgent proposals or other lengthy correspondence from outside bodies is received, to consider such documents and recommend to the Parish Council a course of action.

35.2.3.4 The Committee shall meet as and when required.

35.2.4 *Emergency Committee* - Chairman, Vice-Chairman, Emergency Officer, one elected member and Clerk plus two co-opted members of the public. When the Emergency Officer also holds the office of Chairman or Vice-Chairman, a further councillor shall be elected to complete the committee.

35.2.4.1 This committee shall meet once a year for continuity, but otherwise shall meet only in times of sudden national or local disasters or emergency, and then shall act with full powers of the Council.

35.2.5 *Finance Committee* - The Full Council.

35.2.5.1 To draw together the proposed budgets and review all other capital and revenue expenditure, and all income, in order to produce a complete budget for the Parish Council for the coming financial year.

35.2.5.2 To set the precept.

35.2.5.3 The Finance Committee shall meet once a year, usually in November or December, before the December parish council meeting at which the budget and precept are set.

35.2.5.4 The Committee shall meet as and when required.

35.2.6 *Planning Sub Committee* – three members other than the Chair

35.2.6.1 To report to the Full Council each month their considerations of planning applications submitted that month.

35.2.6.2 To look at North Devon Planning site for new planning applications.

35.2.6.3 To meet to discuss their findings

35.2.6.4 At Full Council to allow Councillors to comment and any members of the public who are present who may have concerns or to support.

35.2.7 *Holland's Park Sub Committee* – three members. This committee is a sub-committee of the Asset Management Committee.

35.2.7.1 To liaise with all users of Holland's Park and the residents group on matters of use and future development.

35.2.7.2 To invite participation from members of the public with interests in Holland's Park, including a representative from Combe Martin AFC.

35.3 *Holland's Park Lease Sub Committee* – delegated authority given to the Clerk, Chairman and one Councillor. This committee is a sub-committee of the Asset Management Committee.

35.3.1 To be responsible for reviewing the lease arrangements for the Football pitch and clubhouse at Holland's Park.

35.4 The Council may, by Resolution, delegate its powers of action to any of its Committees or sub-Committees on a particular matter at a particular time.

35.5 Any member of the Council specifically invited to attend a meeting of a Committee or sub-Committee may speak but not vote. Councillors who are not members of a committee and attend that committee's meeting shall have the same rights as a member of the public.

35.7 The responsibilities of each Committee shall be as set out below.

35.8 The Council may appoint further sub-Committees or working parties to deal with specific matters as necessary.

35.9 The Planning Committee shall have Power to Act to respond to any planning matters that arise whose deadline falls before the date of the next full Council meeting, providing that North Devon Council has not allowed a sufficient extension of time to permit the matter to be dealt with at a full council meeting.

36 **Annual reviews carried out by Committees, Sub-Committees and Working Parties**

36.1 Once a year, committees/working parties shall carry out the following reviews, as appropriate:

36.2 Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities (Finance).

36.3 Review of representation on or work with external bodies and arrangements for reporting back.

36.4 In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

36.5 Review of inventory of land and assets including buildings and office equipment.

36.6 Review and confirmation of arrangements for insurance cover in respect of all insured risks (Finance/Audit).

36.7 Review of the Council's and/or employees' memberships of other bodies (Personnel).

36.8 Establishing or reviewing the Council's complaints procedure (Audit).

- 36.9 Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 (Audit).
- 36.10 Establishing or reviewing the Council's policy for dealing with the press/media.

37 Representatives to Outside Bodies

- 37.1 The Council shall appoint a member to represent it to the following local Bodies and to such other bodies as it may from time to time deem expedient:

Combe Martin Primary School
Friends of the Health Centre
Friends of the Community Centre
Bowling Club Management Committee
Exmoor Parish and Consultative Forum
Combe Martin Business Association (Visit Combe Martin)
Village Hall Community Group
Ley's Charity
Shammickite
Museum Group
Community Car Service
Coastal Community Team
Combe Martin Water Watch Group
Combe Martin Community Land Trust (2018)

- 37.2 Members representing the Council to the above bodies shall provide feedback from the bodies as and when necessary, but at least once a year.

- 37.3 Councillors who are members of any of these Committees in their own right may undertake to represent Council upon such Committees.

38 Functions delegated to the Proper Officer

- 38.1 The following functions shall be delegated to the Proper Officer:
- 38.1.1 The day to day management of Council's car and coach parks.
- 38.1.2 The day to day management of Combe Martin Beach, including the Seaside Award and water quality regime.
- 38.1.3 The supervision of Council's staff.
- 38.1.4 The day to day management of Council's public open spaces.
- 38.1.5 The day to day maintenance of the Community Centre.
- 38.1.6 The day to day management of the Community Centre finances.
- 38.1.7 The day to day management of Council's properties.
- 38.1.8 The day to day management of Council's rented properties.
- 38.1.9 The day to day management of Council's Dog Control Orders

39 Repetitive and or Disruptive Behaviour Policy

39. 1 This policy deals in a consistent way with members of the public who present themselves on issues in a challenging, repetitive or persistent way. Each situation must be properly assessed for compliance with the Freedom of Information Act 2000 (FOIA), health and safety risk and resource implications. See separate attachment.