



# PADSTOW TOWN COUNCIL STANDING ORDERS AND FINANCIAL REGULATIONS

## POLICY/PROTOCOL/PROCEDURE

<b>Version</b>	July 2023 FINAL	<b>Comments</b>	
<b>Approval Date</b>	25 July 2023	<b>Responsible Officer</b>	Town Clerk and RFO
<b>Committee</b>	N/A	<b>Approval by</b>	Full Council

## VERSION HISTORY

<b>Date</b>	<b>Version</b>	<b>Comments</b>
21 July 2023	July 2023 Draft	Amendments made following review undertaken as detailed below. Standing Orders (SOs) Part I & 2 to be taken to Council (25.7.23) for approval and adoption.
25 July 2023	July 2023 FINAL	Agreed and adopted SOs and Fin Regs Part I and Part II by Council.

## REVIEW RECORD

<b>Date Review initiated</b>	<b>Review undertaken by i.e. officer/ Cttee/Council</b>	<b>Summary of any recommended updates/changes to be made</b>
18 July 2023	Town Clerk and RFO	Full update taking into account NALC model code 2022 and CALC's advice on the same. Financial Regs reviewed and updated and included as Part II to SOs as per advice, so as to avoid duplication and potential errors.

# PADSTOW TOWN COUNCIL STANDING ORDERS

## PART I: STANDING ORDERS

Version: July 2023 FINAL

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# 1. RULES OF DEBATE AT MEETINGS

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be considered unless it has been proposed and seconded.
- c A motion on the agenda not moved by the proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add works to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.

- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion:
  - i) to speak on an amendment moved by another councillor;
  - ii) to move or speak on another amendment if the motion has been amended since he/she/they last spoke;
  - iii) to make a point of order;
  - iv) to give a personal explanation; or
  - v) to exercise a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the irregularity in the proceedings of the meeting he/she/they is concerned by.

- q A point of order shall be decided by the chair of the meeting and his decision shall be final.
  
- r When a motion is under debate, no other motion shall be moved except:
  - i) to amend the motion;
  - ii) to proceed to the next business;
  - iii) to adjourn the debate;
  - iv) to put the motion to a vote;
  - v) to ask a person to be no longer heard or to leave the meeting;
  - vi) to refer a motion to a committee or sub-committee for consideration;
  - vii) to exclude the press and public;
  - viii) to adjourn the meeting; or
  - ix) to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
  
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall first be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
  
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes unless at the discretion of the Chair of the meeting.
  
- u If two or more Councillors wish to speak at the same time the chair shall decide on the order in which they are heard.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

Mandatory for full Council meetings ●

Mandatory for committee meetings ●

Mandatory for sub-committee meetings ●

- **a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- **b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c The minimum three clear days public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- **d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- e Members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda either during public participation or at the invitation of the Chair of the meeting.
- f The period of time which is designated for public participation in accordance with standing order 3(e) above shall not exceed 15 minutes. Unless directed by the Chair of the meeting.
- g Subject to standing order 3(f) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes.
- h At the chair's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- i In accordance with standing order 3(e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate at that meeting.
- j In accordance with standing order 3(e) above, the Chair of the meeting may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- k A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- l A person who speaks at a meeting shall direct his/her/their comments to the Chair of the meeting.

- m Only one person is permitted to speak at a time. If more than one person wishes to speak, the chair shall direct the order of speaking.
- n **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.**
  - o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
  - p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
  - q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
  - r **The chair of a meeting 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/she/they gave an original vote.** *(See also standing orders 6 (h) and (i) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.)*
  - s **Unless Standing Orders provide otherwise, voting on a 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 to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.

t The minutes of a meeting shall include an accurate record of the following:

i) the time and place of the meeting;

ii) the names of councillors who are present and the names of councillors who are absent;

iii) interests that have been declared by councillors and non-councillors with voting rights;

iv) the grant of dispensations (if any) to councillors and non-councillors with voting rights;

v) whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

vi) if there was a public participation session; and

vii) the resolutions made.

u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**

- v **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present - the Quorum for Padstow Town Council shall be 4.**
  
- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
  
- x Meetings shall not exceed a period of 2.5 hours.

## **4. FILMING AND RECORDING MEETINGS**

- a **When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:**
  - i. **film, photograph or make an audio recording of a meeting;**
  - ii. **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
  - iii. **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
  
- b **Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.**
  
- c An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
  
- d Disruptive behaviour
  - i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.

- ii. If a person(s) disregard the request of the chair of the meeting to moderate or improve their behaviour, any councillor or the chair of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii. If a resolution under standing order 4 dii) above is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

## **5. COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference including the scheme of delegation;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall, subject to 5(b) and (c), appoint and determine the terms of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;

- iv. may in accordance with standing orders, dissolve a committee at any time.
- v. the maximum number on any committee shall be two-thirds of the councillors
  
- vi. Every committee shall at its first meeting after the Annual Town Council meeting shall before proceeding with any business elect a chair who will hold office until the next committee meeting.
- vii. The quorum of a committee shall be half the committee members or three whichever is the greater. Numbers will be rounded up.
- viii. Chairs of committees shall in the case of an equality of votes have a second or casting vote.

## **6. ORDINARY COUNCIL MEETINGS**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
  
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council decides.**
  
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
  
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.** No meetings of Full Council will be held in August or December. Meetings will commence at 7.30pm and be held on the last Tuesday of each month unless otherwise decided at the previous meeting.
  
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair(if there is one) of the**

**Council** together with the signing of the Chair's acceptance of office - if it is not signed then it should be determined when it will be signed.

- f The Chair of the Council, unless he/she/they 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.**
- g The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting of the Council, the business shall include:
  - i. In an election year, delivery by the Chair of the Council and councillors of their declarations of acceptance of office unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be**

- done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements/terms of reference to committees, sub-committees, employees and other local authorities.
  - iv. To appoint committees
  - v. To appoint Council representatives to outside organisations.
  - vi. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - vii. Setting the dates, times and place of ordinary meetings of the full Council & its committees for the year ahead.

## **7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c The chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

- d If the chair of a committee (or a sub-committee) does not call an extraordinary meeting within seven days of having been requested by to do so by 3 members of the committee , 3 members of the committee may convene an extraordinary meeting of a committee (or a sub-committee). The public notice giving the time, venue and agenda for such a meeting must be signed by 3 committee members.

## **8. PREVIOUS RESOLUTIONS**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least seven councillors of the Council and is given to the Proper Officer.
- b When a special motion or any other motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. VOTING ON APPOINTMENTS**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.
- b Councillors shall vote by show of hands or, if a resolution is carried by one half of the Councillors present, by ballot.

## **10.MOTIONS FOR MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer in clear and certain language at least seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the chair 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.
- f Having consulted the chair or councillors pursuant to standing order 10(e) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.



- g A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.
- h Motions received shall be recorded and numbered in the order that they are received.
- i Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

a The following motions may be moved without written notice to the Proper Officer:

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the draft minutes of the previous meeting.
- iv. To correct an inaccuracy in the draft minutes of the previous meeting.
- v. To alter the order of business on the agenda for reasons of urgency or expedience.
- vi. To proceed to the next business on the agenda.
- vii. To close or adjourn debate.
- viii. To refer by formal delegation a matter to a committee or an employee.
- ix. To appoint a committee or sub-committee and any councillors or non-councillors thereto.
- x. To receive nominations to a committee
- xi. To dissolve a committee
- xii. To note and/or receive the minutes of a meeting of a committee
- xiii. To consider a report and/or recommendations made by a committee or an employee.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.

- xv. To authorise legal deeds to be signed by two councillors and witnessed.  
*(See standing orders 24(a) and (b) below.)*
- xvi. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xvii. To defer consideration of a motion.
- xviii. To extend the time limit for speaking.
- xix. To exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest.
- xx. To silence or exclude from the meeting a councillor or a member of the public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by standing orders.
- xxii. To suspend any standing order except those which are mandatory by law.
- xxiii. To adjourn the meeting.
- xxiv. To close the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

## **12. MANAGEMENT OF INFORMATION**

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
  
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of the meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **13. DRAFT MINUTES**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 11(a)(iv) above.
- c The accuracy of draft minutes, including any amendment(s) to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
"The chair of this meeting does not believe that the minutes of the meeting of the [*relevant committee*] held on [*date*] in respect of [*minute number*] were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any draft minutes or recordings of the meeting shall be destroyed.

# **14. CODE OF CONDUCT AND DISPENSATIONS**

## **General**

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

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

- b Members must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

## **Members and the Code of Conduct**

- d All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- e All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Town Clerk of any changes within 28 days.
- f All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- g Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

- h Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's Code of Conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the chair of the meeting.
- j Councillors must not accept gifts or hospitality that they are offered or receive in connection with their official duties as a member that could be seen by the public as likely to influence their judgement in these matters.
- k A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

## **Dispensations**

- l Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- m A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- n A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a

- discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.
- o Standing Order 14 shall apply to all meetings of the Council, its committees and sub-committees.
- p No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

## **15. CODE OF CONDUCT COMPLAINTS**

- a Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of the Council or Vice-chair of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint
- d The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- e References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a councillor.

- f **Upon notification by Cornwall Council that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider any recommendations and what, if any, action to take against him/her/them. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.**

## **16. PROPER OFFICER**

- a The Council's Proper Officer shall be the Town Clerk or such other employee as may be appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)**
  - ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office.**
  - iii. **facilitate inspection of the minute book by local government electors;**
  - iv. **Receive and retain copies of byelaws made by other local authorities.**
  - v. Receive and retain declarations of acceptance of office from councillors.
  - vi. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

- vii. Keep proper records required before and after meetings;
- viii. Process all requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's policies and procedures;
- ix. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- x. Assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to requirements of data protection and freedom of information legislation and other legitimate requirements.
- xi. Arrange for legal deeds to be to be signed by 2 councillors and witnessed by the Proper Officer (*See also standing orders 24(a) and (b).*)
- xii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiii. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xiv. Manage access to information about the Council via the publication scheme;
- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xvi. Have delegated authority to act in respect of any function of the Council/Committee where urgent attention is required before the next Council meeting due to health & safety reasons. This authority to be exercised in consultation with the Chair of the Council/Committee. This authority may not be used to decide on the following -
  - Anything which is contrary to council policy
  - Issuing a precept
  - Determining borrowing limits
  - Approving a lottery scheme
  - Considering an auditor's report

Any matter dealt with under the above shall be reported back to the next Council/Committee meeting.



## **17. RESPONSIBLE FINANCIAL OFFICER**

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

## **18. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations, which shall be reviewed at least annually.
- b 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 an update of the latest committee budget figures. Including a comparison with the budget for the financial year. A Financial Statement for a year to 31 March shall be presented to each councillor before the end of the following month of May. 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 the end of June.

## **19. FINANCIAL CONTROLS AND PROCUREMENT**

The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.

- a All payments by the council shall be authorised approved and paid in accordance with the law, proper practices and the Council's financial regulations.

- b The Council's proper practices will be in accordance with the most recent JPAG guidance.

## **20. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council OR the Staffing Committee is subject to standing order 12.
- b Subject to the Council's policy regarding the handling of grievance matters, the Council's Proper officer shall contact the Chair of the Staffing committee or in his absence, the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee or a sub-committee set up by the committee to handle disciplinary and grievance issues.
- c 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.
- d 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.
- e Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- f Only persons with line management responsibilities shall have access to employee records referred to in standing orders 20(d) and (e) above if so justified.

## **21. RESPONSIBILITIES TO PROVIDE INFORMATION**

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a The Council may appoint a Data Protection Officer.**
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f The Council shall maintain a written records of its processing activities.**

## **23. RELATIONS WITH PRESS/MEDIA**

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

## **24. EXECUTION AND SEALING OF LEGAL DEEDS**

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b In accordance with a resolution made under standing order 24(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **25. COMMUNICATING WITH UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Unitary Council representing its electoral ward.

## **26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

- i. inspect any land and/or premises which the Council has a right or duty to inspect;
- ii. issue orders, instructions or directions; or
- iii. incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.

## **27. CONFIDENTIAL BUSINESS**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **28. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements (as outlined in **bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or to vary or to revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 9 councillors to be given to the Proper Officer in accordance with standing order 10.
- c 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.
- d The decision of the chair of the meeting as to the application of standing orders at meetings shall be final.