

## STANDING ORDERS OF REDRUTH TOWN COUNCIL

### 1. MEETINGS

- 1.1 Meetings of the Council shall be held in The Chambers, Penryn Street, Redruth unless the Council otherwise decides. **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 Order 1.3 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda, or at Full Council to comment or ask questions on any matter associated with the Town Council.
- 1.5 At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- 1.6 The period of time which is designated for public participation in accordance with Standing Order 1.4 above shall not exceed 15 minutes unless the Mayor or Chairman permits otherwise.
- 1.7 Subject to Standing Order 1.6 above, at monthly Full Council meetings each member of the public is entitled to speak once only to put questions to Members or the Police Officer or to make observations and shall not speak for more than 3 minutes. At meetings of Committees and Sub-committees, each member of the public may speak once in respect of business itemised on the agenda and shall not speak for more than 3 minutes unless the Town Mayor or Chair of Committee permits otherwise.
- 1.8 In accordance with standing order 1.4 above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- 1.9 A record of a Public Participation session at a meeting shall be included in the Minutes of that meeting.
- 1.10 A person shall raise his hand when requesting to speak, but will not be required to stand when speaking unless directed by the Chairman at the commencement of the meeting.
- 1.11 Any person speaking at a meeting shall address his comments to the Mayor, if presiding, or the Chairman.
- 1.12 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Mayor, if presiding, or Chairman shall direct the order of speaking. Members must respect the Code of Conduct.
- 1.13 Only Redruth Town Councillors and officers are permitted to speak during Full Council Meetings unless an agenda item specifies otherwise, or this Standing Order is suspended by resolution.

- 1.14 **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor (or Chairman) may in his absence be done by, to or before the Deputy Mayor (or Vice-Chairman).**
- 1.15 **The Mayor, if present, shall preside at meetings of the Full Council. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- 1.16 **In Committees, 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.**
- 1.17 **Subject to Standing Order 1.23 below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- 1.18 **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 3.8 and 3.9 below.)**
- 1.19 **Members shall vote by show of hands or, if at least two members so request, by written ballot.** The Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against the motion, or abstained, and this shall be recorded in the minutes of the meeting.
- 1.20 The minutes of a meeting shall include an accurate record of the following:
- a. the time and place of the meeting;
  - b. the names of councillors present and absent;
  - c. interests that have been declared by councillors and non-councillors with voting rights;
  - d. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - e. if there was a public participation session; and
  - f. the resolutions made.
- 1.21 If, prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the Minutes of the meeting at which the approval was given.
- 1.22 The Code of Conduct adopted by the Council shall apply to councillors and members of the public co-opted to serve on Committees and Sub Committees of the Council in respect of the entire meeting.
- 1.23 **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 right to participate and vote on that matter.**
- 1.24 **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.**
- 1.25 **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 5, and in the case of the Standing Committees 4.**
- 1.26 **If a meeting is or becomes inquorate no business shall be transacted and the meeting**

**shall be adjourned.** Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

1.27 Meetings shall not exceed a period of 3 hours.

## **FILMING AND RECORDING MEETINGS**

2.1 When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:

- a. film, photograph or make an audio recording of a meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

2.2 Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.

2.3 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.

2.4 Disruptive behaviour

- a. 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.
- b. If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution under Standing Order 2.4 b. above is ignored, the chairman 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.

2.5 Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

## **ORDINARY COUNCIL MEETINGS**

3.1 **In an election year, the annual meeting of the Council shall be held on the Monday next following the fourth day after the ordinary elections to the Council.**

3.2 **In a year which is not an election year, the annual meeting of a Council shall be held on the third Monday in May.**

3.3 Meetings of the Council, whether ordinary or extraordinary, shall be held at the Council Chambers, The Chambers, Penryn Street at 7 o'clock in the afternoon unless the Council otherwise decides at its previous meeting. Meetings of the Council's committees and sub-committees, whether ordinary or extraordinary, shall not normally begin before 6 o'clock in the afternoon. However, on occasions where an earlier meeting is necessary the Chairman shall obtain prior agreement from all committee members. Meetings of all working parties/consultation groups are not bound by these rules and shall meet at mutually convenient times.

3.4 **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in the months of September, December and February.**

Six additional meetings shall be held in the months of June, July, October, January, March and April on the last Monday of the month unless this conflicts with a public holiday, when the meeting will be held on the third Monday.

- 3.5 **The election of the Town Mayor and Deputy Town Mayor shall be the first business completed at the annual meeting of the Council.**
- 3.6 **The Town Mayor, 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.**
- 3.7 **The Deputy Town Mayor, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.**
- 3.8 **In an election year, if the current Town Mayor has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.**
- 3.9 **In an election year, if the current Town Mayor has been re-elected as a member of the Council, he shall preside at the meeting until a new Town Mayor has been elected. He may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.**
- 3.10 Following the election of the Town Mayor and Deputy Town Mayor at the Annual Meeting of the Council, the order of business shall be as follows:-
  - a. In an election year, delivery by councillors of their declarations of acceptance of office.
  - b. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - c. Review of the terms of references for committees.
  - d. Receipt of nominations to existing committees.
  - e. 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.
  - f. To appoint members to represent the Council on all outside organisations.
  - g. To receive reports from Members representing the Council on outside organisations.
  - h. To review the Members' Register of Interests for all Members present.
  - i. Review and adoption of appropriate standing orders and financial regulations.
  - j. Review of representation on or work with external bodies and arrangements for reporting back.
  - k. In a year of elections, if a Council's period of eligibility to exercise the power of general competence being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
  - l. To appoint six Members to act as signatories on Council cheques and other financial documents.

#### **4. EXTRAORDINARY MEETINGS**

- 4.1 The Town Mayor may convene an extraordinary (special) meeting of the Council at any time.

- 4.2 If the Town Mayor does not or refuses to call an extraordinary meeting of the Council within seven 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.
- 4.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or sub-committee) at any time.
- 4.4 If the Chairman of a committee (or sub-committee) does not or refuses to call an extraordinary meeting of the committee within seven days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the committee (or sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

5. **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- 5.1 A motion shall relate to the responsibilities of the meeting which it is tabled for 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.
- 5.2 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 Proper Officer at least 8 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 5.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 5.4 If the Proper Officer considers the wording of a motion received in accordance with standing order 5.2 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 so that it can be understood at least 8 clear days before the meeting.
- 5.5 If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- 5.6 Subject to standing order 5.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 5.7 Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- 5.8 Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- 5.9 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.

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

- 6.1 Motions in respect of the following matters may be moved without written notice to the Proper Officer;
  - a. to correct an inaccuracy in the draft minutes of a meeting;
  - b. to move to a vote;
  - c. to defer consideration of a motion;

- d. to refer a motion to a particular committee or sub-committee;
- e. to appoint a person to preside at a meeting;
- f. to change the order of business on the agenda;
- g. to proceed to the next business on the agenda;
- h. to require a written report;
- i. to appoint a committee or sub-committee and their members;
- j. to extend the time limits for speaking;
- k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- l. to not hear further from a councillor or a member of the public;
- m. to exclude a councillor or member of the public for disorderly conduct;
- n. to temporarily suspend the meeting;
- o. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- p. to adjourn the meeting; or
- q. to close a meeting.

6.2 If a motion falls within the Terms of Reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 7. **RULES OF DEBATE**

- 7.1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 7.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 7.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 7.4 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.
- 7.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 7.6 If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- 7.7 An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 7.8 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.
- 7.9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- 7.10 Subject to standing order 7.11 below, only one amendment shall be moved and debated at a

time, the order of which shall be directed by the chairman of the meeting.

- 7.11 One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 7.12 A councillor may not move more than one amendment to an original or substantive motion.
- 7.13 The mover of an amendment has no right of reply at the end of debate on it.
- 7.14 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 7.15 Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - a. to speak on an amendment moved by another councillor;
  - b. to move or speak on another amendment if the motion has been amended since he last spoke;
  - c. to make a point of order;
  - d. to give a personal explanation; or
  - e. in exercise of a right of reply.
- 7.16 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 other irregularity in the proceedings of the meeting he is concerned by.
- 7.17 A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 7.18 When a motion is under debate, no other motion shall be moved except:
  - a. to amend the motion;
  - b. to proceed to the next business;
  - c. to adjourn the debate;
  - d. to put the motion to a vote;
  - e. to ask a person to be no longer heard or to leave the meeting;
  - f. to refer a motion to a committee or sub-committee for consideration;
  - g. to exclude the public and press;
  - h. to adjourn the meeting; or
  - i. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements
- 7.19 Before an original or substantive motion is put to the vote, the chairman of the meeting shall 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.
- 7.20 Excluding motions moved under Standing Order 7.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

8. **RESCISSION OF PREVIOUS RESOLUTIONS**

- 8.1 A resolution (whether affirmative or negative) of the Council shall not be discussed within six months except either by a special motion, written notice thereof bears the signatures of at least six Members of the Council, or by a motion moved in pursuance of a report or recommendation of a committee or the Town Clerk due to significant material new information.
- 8.2 When a special motion or any other motion moved pursuant to Standing Order 8.1 above has been disposed of, no similar motion may be moved within a further six months.

9. **DRAFT MINUTES**

- 9.1 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.
- 9.2 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 draft minutes shall be moved in accordance with standing order 6.1 a. above.
- 9.3 The accuracy of draft minutes, including any amendment(s) made to them, 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 meeting 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, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

10. **DISORDERLY CONDUCT**

- 10.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 10.2 If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 10.3 If a resolution made under standing order 10.2 above is ignored, the chairman 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.

11. **COMMITTEES**

- 11.1 The Council will at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- a. Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - b. May appoint persons other than members of the Council to any Committee; and



- c. May in accordance with standing orders, dissolve or alter the membership of a committee at any time, including the request of a Member to join a committee for which they did not stand at the Annual General Meeting.
  - d. Each committee will have written Terms of Reference as detailed at Annex B to these Orders.
  - e. Minutes for each committee meeting will be produced and circulated prior to the next meeting of the Full Council, where the Council will receive them. Members will then have the opportunity to request that that the Chairman of that committee takes any matter back for further discussion in the light of new/additional information, however, the decision of whether to take back or not, rests solely with the Chairman of that committee. The minutes are then taken back to the next appropriate committee meeting for approval as a true and accurate record.
  - f. Any committee meeting that is not held due to it being inquorate must be called again by the Chairman within 14 working days.
- 11.2 The Town Mayor and Deputy Town Mayor ex officio shall be members of every committee, and have the right to vote on all matters relating to that committee.
- 11.3 The following committees shall be the Standing Committees of the Town Council and shall consist of a minimum of 7 members including the Town Mayor and Deputy Town Mayor:
- a. Amenities Committee;
  - b. Audit & Accounting Governance Committee [Town Mayor, Deputy Town Mayor, Chairs of Amenities, General Purposes, and Planning plus minimum of 2 other Members]
  - b. General Purposes Committee
  - c. Planning Committee
- 11.4 The Chairman of a Committee or the Town Mayor may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 11.5 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee shall be four members and the case of a sub-committee shall be one-half of its members.
- 11.6 Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
- 11.7 A member who has proposed a resolution, which has been referred to any committee of which he/she is not a member, may explain his/her resolution to the committee but shall not vote.
- 11.8 Any Council member shall, unless the Council otherwise orders, be entitled to attend and debate at the meetings of any committee or sub-committee of which he/she is not a member, but not vote.
12. **SUB-COMMITTEES**
- 12.1 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose Terms of Reference and membership shall be determined by resolution of the committee.
- 12.2 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

13. **WORKING PARTIES**

- 13.1 The Council may appoint Working Parties comprised of councillors and non-councillors.
- 13.2 Full Council or the Committee creating the Working Party must agree specific Terms of Reference.
- 13.3 Working Parties may consist wholly of persons who are non-councillors.

14. **PROPER OFFICER**

- 14.1 The Council's Proper Officer shall be either (i) the Town Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- 14.2 The Council's Proper Officer shall do the following:-

- a. The Proper Officer shall:
- 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).**

*See standing order 1.2 for the meaning of clear days for a meetings of the full council and it's committees;*

- b. Subject to Standing Orders 5.1 – 5.8 above, 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.
- c. **Convene a meeting of the Full Council for the election of a new Town Mayor occasioned by a casual vacancy in his office.**
- d. Facilitate inspection of the minute book by local government electors;
- e. **Receive and retain copies of Byelaws made by other Local Authorities.**
- f. **Receive and retain Declarations of Acceptance of Office from Councillors.**
- g. Retain a copy of every Councillor's Register of Interests and any changes to it and keep copies of the same available for inspection.
- h. Keep proper records required before and after meetings.
- i. 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.
- j. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- k. Manage the organisation, storage of and access to information held by the Council in

paper and electronic form.

- l. Arrange for legal deeds to be executed. (*See also Standing Order 19*)
- m. Arrange or manage for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations (see Annex A).
- n. Record every planning application notified to the Council and the Council's response to the Local Planning Authority.
- o. Ensure that all planning applications notified are dealt with in accordance with the Council's planning procedures.
- p. Refer a planning application received by the Council to the Chairman and Vice-Chairman of the Planning Committee within 2 days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee.
- q. Manage access to information about the council via the publication scheme;
- r. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

15. **RESPONSIBLE FINANCIAL OFFICER**

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

16. **CODE OF CONDUCT AND DISPENSATIONS**

16.1 **General**

- 16.1.1 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.

- 16.1.2 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.

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

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

16.2 **Members and the Code of Conduct**

- 16.2.1 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.

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

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

- 16.2.4 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.

- 16.2.5 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.
- 16.2.6 Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.
- 16.2.7 You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £25 or over.
- 16.2.8 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.

### 16.3 Dispensations

- 16.3.1 **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.
- 16.3.2 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.
- 16.3.3 A dispensation request shall confirm:
- a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - d. an explanation as to why the dispensation is sought.
- 16.3.4 This policy shall apply to all meetings of the Council, its committees and sub-committees.
- 16.3.5 No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- 16.3.6 **A dispensation may be granted in accordance with standing order 14(r) above if having regard to all relevant circumstances the following applies:**
- a. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - b. **granting the dispensation is in the interests of persons living in the council's area or**
  - c. **it is otherwise appropriate to grant a dispensation.**

## 17. **CODE OF CONDUCT COMPLAINTS**

- 17.1 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.
- 17.2 Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- 17.3 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
- 17.4 The council may:
- a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - c. 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.
  - d. **Upon notification by the Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him/her. 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.**

## 18. **VOTING ON APPOINTMENTS**

- 18.1 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. Any tie may be settled by the Chairman's casting or second vote.

## 19. **EXECUTION AND SEALING OF LEGAL DOCUMENTS**

- 19.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 19.2 **In accordance with a resolution made under Standing Order 14 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.**

## 20. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- 20.1 Proper practices" in standing orders refer to the most recent version of [Governance and Accountability for Local Councils – a Practitioners' Guide (England)].
- 20.2 All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- 20.3 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- a. the council's receipts and payments for each quarter;
- b. the council's aggregate receipts and payments for the year to date;
- c. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

20.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- a. to the Audit & Accounting Governance Committee with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
- b. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

20.5 The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to the Audit & Accounting Governance Committee at the earliest opportunity before the end of the month of April. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 May if at all possible.

## 21. **FINANCIAL CONTROLS AND PROCUREMENT**

21.1 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 Annex A to these Standing Orders.

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

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

## 22. **CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS**

22.1 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 the Standing Order to every candidate.

22.2 A councillor or 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.

22.3 This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 23. **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

23.1 The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public<sup>1</sup> by means of the following resolution:

'To exclude the press and public from the meeting for the remaining item of business on the ground that it involves the likely disclosure of exempt information as defined in [Section No]<sup>2</sup> Part 1 of Schedule 12[A] of the 1972 Local Government Act'.

23.2 With the permission and at the discretion of the Chairman any member of the public may comment on an issue being debated by the council in order to provide information or clarification of items relevant to the matter being debated. This facility will normally be limited to a maximum of only three minutes per person on the subject being debated.

23.3 If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the Council Chamber.

*Note 1: If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution has been passed.*

*Note2: The special or confidential nature as set out at Annex D to these Orders should be stated.*

#### 24. **HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION**

24.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

24.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest

#### 25. **HANDLING STAFF MATTERS**

25.1 A matter personal to a member of staff that is being considered by any meeting of council is subject to standing order 24 above.

25.2 Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of General Purposes Committee or in their absence the Vice Chairman of the General Purposes Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the General Purposes Committee in accordance with its terms of reference.

25.3 The chairman of the General Purposes Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the employee's job title]. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the General Purposes Committee.

25.4 Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman of the General Purposes Committee or in his absence, the vice-chairman of the General Purposes Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the General Purposes Committee.

25.5 Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the chairman or vice-chairman of the General Purposes Committee, this shall be communicated to another member of the General Purposes Committee, which shall be reported back and progressed by resolution of the General Purposes Committee.

25.6 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

25.7 The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

25.8 In accordance with standing order 26.1 the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order

19 (f).

26. **MANAGEMENT OF INFORMATION**

*See also standing order 27.*

- 26.1 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.
- 26.2 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).
- 26.3 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- 26.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

27. **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 28.*

- 27.1 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.
- 27.2 The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

28. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*See also standing order 26.*

- 28.1 The Council may appoint a Data Protection Officer.
- 28.2 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 28.3 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 28.4 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.
- 28.5 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.
- 28.6 The Council shall maintain a written record of its processing activities.

29. **RELATIONS WITH THE PRESS/MEDIA**

- 29.1 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.



29.2 All requests from the press or other media for an oral or written statement or comment from the Council shall be referred to the Town Mayor.

29.3 The Council shall issue a Press Release only by resolution of the Full Council.

29.4 Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or media on behalf of the Town Council.

### 30. **LIAISON WITH CORNWALL COUNCIL**

30.1 A Full Council agenda shall be sent to the three Cornwall Council local ward members and the Community Link Officer. Agendas for each of the standing committee meetings shall also be sent to the four Cornwall Council local ward members.

30.2 An agenda item shall be included on each monthly scheduled meeting of the Full Council to receive reports from Local Cornwall Councillors and the Community Link Officer, and for them to take questions from Members.

### 31. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

31.1 Unless authorised by a resolution, no councillor shall:

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

### 32. **STANDING ORDERS GENERALLY**

32.1 All or part of a standing order, except one that incorporates mandatory statutory requirements (**written in bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

32.2 A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 5 above.

32.3 The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.

32.4 The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

### 33. **URGENT BUSINESS**

33.1 Where no meeting of the Council or a relevant Committee is scheduled within the necessary timescale to enable a decision concerning an urgent matter to be taken, the Town Clerk may, in consultation with the Mayor and Deputy Mayor (or Chairman and Vice-Chairman, in the case of a Committee) determine that matter. All decisions taken under this Standing Order shall be reported to the next meeting of the Council or the relevant Committee for information, together with the reasons for urgency which required a decision to be taken.

### 34. **POSTPONEMENT OF MEETINGS**

34.1 In extreme circumstances (such as hazardous weather conditions) the Mayor; Deputy Mayor or Chairman of a Committee may postpone a meeting. In such circumstances every effort must be made to inform those expected to be present.