



# **ST AUSTELL TOWN COUNCIL**

## **STANDING ORDERS**

Approved: Monday 22<sup>nd</sup> March 2021

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For ease, the masculine gender is used throughout this document. The feminine gender is equally applicable. Paragraphs in bold type face indicate statutory requirements.

Please note that these Standing Orders were drafted with a view to all meetings being held by attendance at a single venue such as the Council offices. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 introduced a temporary power to hold meetings remotely using video conferencing software. The Town Council has chosen to use the Zoom system as it is readily available and easy to use.

Reference in these Standing Orders to "meetings" or "rooms" shall include formal remote meetings called by the Town Clerk using the Zoom video conferencing system.

"Present at" shall include logged on to the electronic Zoom meeting and able to hear and be heard by, and where practicable be able to be seen and see, other councillors and members of the public.

## **1. Rules of debate at meetings**

- a 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.
- b A motion (including an amendment) shall not be progressed until it has been moved and seconded
- c A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) had been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the amended motion becomes the substantive motion upon which further

amendment(s) may be moved.

- g An amendment shall not be considered unless notice of it is given at the meeting after the original or substantive motion has been recorded and before voting on that motion. If requested by the Chairman of the meeting, the amendment should be expressed in writing to the Chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion had 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 Chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman.
- k 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.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of a motion or an amendment shall have a right of reply at the end of debate on it, prior to the vote, not exceeding 3 minutes
- n Where a series of amendments to an original motion are carried,

the mover of the original motion shall have the right of reply either at the end of debate of each amendment or at the very end of the debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the Chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - 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 last spoke;
  - iii. To make a point of order;
  - iv. To give a personal explanation; or
  - v. In exercise of 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 considers has been breached or specify the other irregularity in the proceedings of the meeting which he is concerned by.
  
- q A point of order shall be decided by the Chairman 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 public and press;
  - viii. To adjourn the meeting; or
  - ix. To suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s 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.
- t Excluding motions moved under standing order 1(r) 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.






## **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 Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b 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.

- c If a resolution made under standing order 2(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 or in the case of a remote meeting removing the person from the live broadcast.

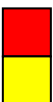
### 3. Meetings generally

-  Full Council Meetings
  -  Committee Meetings
  -  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 for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
-  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 the meeting shall be by a resolution which shall give reasons for the public's exclusion.**

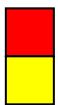
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 2 minutes.
- h In accordance with standing order 3(e) 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.
- i A person shall raise his hand when requesting to speak and may remain seated when speaking. *For those persons using audio only, they should make the Chairman aware that they wish to speak*
- j A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.



- l **Photographing, recording, broadcasting or transmitting the**



proceedings of a meeting by any means is permitted provided those undertaking these activities do not act in a disruptive manner. The Chairman of the meeting shall have the right to exclude anyone acting in a disruptive manner from the meeting.



m The press and public shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.



n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).



o 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.



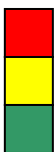
p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.



q The Chairman 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 gave an **original vote**. See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

r **Unless standing orders provide otherwise, voting on a question shall be by a show of hands.** *This may be by a show of hands or by using electronic voting facilities as long as all persons present can see the voting of others or, if there are persons using audio only, a named vote may be undertaken by either the Chairman or Clerk. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.* Such a request shall be made before moving on to the next item of business on the agenda. In exceptional circumstances, where the majority of members present at a meeting consider it appropriate, a vote may be undertaken by a secret ballot. *A secret ballot may be undertaken during a virtual meeting utilising an electronic poll facility. Should a Member, for whatever reason, not be able to use the polling facility, their vote may be taken by a roll call.*

- s The minutes of the meeting shall include an accurate record of the following:
- i. The time and place of the meeting;
  - ii. The names of councillors present and absent;
  - iii. Interests that have been declared by councillors and non-councillors with voting rights;
  - iv. Whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. If there was a public participation session; and
  - vi. The resolutions made.



t **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.**



- u **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 three.** See standing order 4d (vi) below for the quorum of a committee or sub-committee meeting.



- v **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.

- w A meeting shall not exceed a period of 2 ½ hours.

#### **4. 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 appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. shall permit a committee to appoint its own chairman at the first meeting of the committee;
  - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three. The Council has determined that the quorum of a committee or sub-committee should be one third of the membership or three whichever is the greater;
  - vii. shall determine whether the public may participate at a meeting of a committee;
  - viii. shall determine if the public and the press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend and
  - x. may dissolve a committee.
- e. Individual advisors or non-councillors may only be appointed to committees or sub committees by the full Council and should be appointed for a clearly defined purpose and period of time. The appointment of advisors should be reviewed at least annually.

- f. Advisors will not have voting rights except within advisory committees or subcommittee if the approved terms of reference permit non-councillors to vote.
- g. Advisors or non-councillors when attending meetings of the Council will be expected to uphold the standards of the Council including compliance with the Code of Conduct, standing orders, financial regulations and any protocols or policies relating to behaviour or conduct. The Council may terminate the appointment of an advisor if it has any concern with regard to conduct or at any time.

## **5. 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 may direct. In 2020, as permitted by regulations, the annual meeting will be postponed until the Government lockdown is relaxed to allow public gatherings and traditional style Council meetings. If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- c. In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- d. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- e. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next**

**annual meeting of the council.**

- f. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- g. In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- h. In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- i. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms 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 Chairman 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;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a

- committee;
- v.** Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi.** Review of the terms of reference for committees;
  - vii.** Appointment of members to existing committees;
  - viii.** Appointment of any new committees in accordance with standing order 4 above;
  - ix.** Review and adoption of appropriate standing orders and financial regulations;
  - x.** Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi.** Review of representation on or work with external bodies and arrangements for reporting back;
  - xii.** 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;
  - xiii.** Review of inventory of land and assets including buildings and office equipment;
  - xiv.** Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xv.** Review of the council's and/or staff subscriptions to other bodies;
  - xvi.** Review of the council's complaints procedure;
  - xvii.** Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - xviii.** Review of the council's policy for dealing with the press/media; and
  - xix.** Determining the time and place of ordinary meetings of the full council up to and including the next annual

meeting of full council.

#### **k Members' Formal Questions**

A Member may at a full meeting of the Council ask the Chairman, the Chairman of any Committee or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed at least 3 clear working days before the meeting begins.

The Chairman may allow other members to discuss the subject or ask supplementary questions on the same subject at his or her discretion.

A person to whom a question has been put may decline to answer or agree to provide a response in writing after the meeting.

### **6. Extraordinary meetings of the council and committees and sub-committees**

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested 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, place and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days (and hold



the same within the following 14 days) of having been requested to do so by one third of the membership or 3 councillors (whichever is the greater), those councillors may convene an extraordinary meeting of a committee (or a sub-committee).

## **7. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 7 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.
- c. Notwithstanding standing order 7(a) above, the planning committee or council may re-consider a decision with regard to the council's response to a consultation on a planning matter if requested to do so by Cornwall Council in accordance with Cornwall Council's planning protocol for such matters within 6 months.
- d. Where necessary, in order to meet the deadlines imposed by Cornwall Council's planning protocol, the Clerk may, in consultation with the Chairman and Vice-chairman of the planning and regeneration committee:
  - i. Ask that the planning application be referred to the appropriate planning committee of Cornwall Council; or
  - ii. Reiterate the planning and regeneration committee's original response but permit delegated decision making;or

- iii. Review and amend the planning and regeneration committee response in the light of additional information received.

In each case, the decision should be reported for information to the next meeting of the planning and regeneration committee.

## **8. 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 Chairman of the meeting.

## **9. Motions for a meeting that require written notice to be given to the Proper Officer**

- a 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.
- 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 Proper Officer at least 7 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 9(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 9(b) 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 7 clear days before the meeting.
- e 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.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **10. Motions at a meeting that do not require written notice**

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

- i. To correct an inaccuracy in the draft minutes of a meeting;
- ii. To move to a vote;
- iii. To defer consideration of a motion
- iv. To refer a motion to a particular committee or sub-committee;
- v. To appoint a person to preside at a meeting;
- vi. To change the order of business on a agenda;
- vii. To proceed to the next business on the agenda;
- viii. To require a written report;
- ix. To appoint a committee or sub-committee, its members and appropriate terms of reference; To extend the time limits for speaking;
- x. To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xi. To not hear further from a councillor or a member of the public;
- xii. To exclude a councillor or member of the public for disorderly conduct;
- xiii. To temporarily suspend the meeting;
- xiv. To suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xv. To adjourn the meeting; or
- xvi. To close a meeting.

## **11. Handling confidential or sensitive information**

- a 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.

- b. Councillors shall not disclose information given in confidence or in a confidential report (green papers) or which they believe, or ought to be aware, is of a confidential nature.
- c. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- d. The following types of business are likely to be considered confidential for special reasons:
  - 1. Engagement, terms of service, conduct and dismissal of employees;
  - 2. Terms of tenders, and proposals and counter proposals in negotiations for contracts;
  - 3. Preparation of cases in legal proceedings; and
  - 4. The early stages of dispute
- e. When a meeting is being held by video conferencing confidential items may be considered either by ending the meeting and convening a new meeting with a separate password control which is only available to councillors or by removing all participants from the meeting who are not entitled to remain.
- f. While considering confidential information in a remote meeting members should take reasonable steps to ensure that their environment is private.

## **12. 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 draft minutes shall be moved in accordance with standing order 10(a)(i) above.

- c 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.
- d 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 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."*

- e 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.

### **13. Code of Conduct, Complaints 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. During video conferencing a member with such an interest will be asked to leave the meeting and log back on after a time agreed by the Chair of the meeting or transferred to a secure waiting room.
- c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

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

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

- i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman. During video conferencing a member with such an interest will be asked to leave the meeting and log back on after a time agreed by the Chair of the meeting or be transferred to a secure waiting room.  
.
- j Councillors must record in a register of interests maintained by the Proper Officer any gifts or hospitality that are offered or received in connection with their official duties as a member and the source of the gift or hospitality
  - i) worth £25 or over  
OR,
  - ii) 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.

### **Allegations of breaches of the Code of Conduct**



- l 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.
- m Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor 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, who shall continue to act in respect of that matter as such until the complaint is resolved.
- n 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
- o 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;
- p 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.
- q **Upon notification by the Monitoring Officer of the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations of the Monitoring Officer and what, if any, action to take against him in accordance with the recommendations. The Council has no ability to impose its own sanctions against a member found in breach of the Code of Conduct. Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Council or restricted access to council premises except to attend meetings.**

## **Dispensations**

- r The Council has adopted a policy for the issuing of dispensations which is in accordance with the Council's Code of Conduct. It is attached to these Standing Orders as an appendix.
- s This policy shall apply to all meetings of the Council, its committees and sub-committees.
- t No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

#### **14. Proper Officer**

- a The Proper Officer shall be either (i) the clerk (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.

- b The Proper Officer shall:

- i. **At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda;** or

At least three clear days before a meeting of the council, a committee and a sub-committee serve on Councillors a summons, by e-mail, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

*See standing order 3 (b) above for the meaning of clear days for a meeting of a full Council and standing order 3 (c) above for a meeting of a committee.*

- ii. **Give public notice of the time, place and agenda at least three clear days before a meeting of the**

**council or a meeting of a committee** or a sub-committee **(provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

*See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.*

- iii. Subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his withdrawal of it;
- iv. **Convene a meeting of the full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. Facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;

*See also standing order 21 below.*

- xiii. 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;
- xiv. record every planning application notified to the council and the council's response to the local planning authority for such purpose;
  - xv.(a) refer a planning application or such similar consultation received by the council to the Chair or in his absence the Vice-Chair of the Planning and Regeneration Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of the matter requires consideration by Committee before the next ordinary meeting of the Planning and Regeneration Committee; or
  - xv.(b) refer a planning consultation or similar matter to the Chair and Vice-Chair of the Planning and Regeneration Committee (together with the local Cornwall Council Divisional Member where appropriate) where delegated procedures as outlined in Appendix 1 are necessary to meet deadlines imposed;
- xv. manage access to information about the council via the publication scheme; and
- xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

*See also standing order 21 below.*

## **15.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.

## **16. Accounts and accounting statements**

- a. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The Responsible Financial Officer shall supply to each meeting of the Finance and General Purposes Committee a statement summarising:
  - i. the council's receipts and payments;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the accounting period being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
  - ii. 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.
- e. The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by

the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. 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 June.

## **17. Financial controls and procurement**

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 17(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 17(d) below.**

- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and/or in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (as amended)**

**and the Utilities Contracts Regulations 2016 (as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

In any case, the award of all contracts with a value of £25,000 or more should be advertised in accordance with the Public Contract Regulations 2015



## **18. 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 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Staffing Committee or, if he is not available, the vice-chairman of the Staffing Committee of absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
- c The chairman of the Staffing 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 Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing Committee.
- d 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 Staffing Committee or in his absence, the vice-chairman of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the chairman or vice-chairman of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee.
- f 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.
- g 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.

- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 18(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 18(f) and (g) above shall be provided only to the Town Clerk and Deputy Town Clerk and/or the Chairman of the Staffing Committee.

## **19. Requests for information**

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance and General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **20. Relations with the press/media**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **21. Execution and sealing of legal deeds**

*See also standing orders 14(b) (xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 21 (a) above, any two councillors may sign, on behalf of the council, any deed required by law and Proper Officer shall witness their signatures.**

## **22. Communicating with Unitary councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Division councillors of the Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the Division Councillors representing the area of the Council.

## **23. Restrictions on councillor activities**

- a. Unless authorised by a resolution, no councillor shall in the name, or on behalf of the Council, a Committee or Sub-Committee:
  - i. inspect any land and/or premises/property which the council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.
- b All formal inspections shall be undertaken, and all instructions be given, by suitably qualified officers or contractors.

## **24. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory

statutory requirements, 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 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 7 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c 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.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## **APPENDIX 1 – TERMS AND REFERENCES FOR COMMITTEES**

### **Planning and Regeneration Committee**

#### **Purpose:**

To deal with planning, regeneration, economic development, highways and licensing matters on behalf of the Council.

#### **Responsibilities:**

- To respond, on behalf of the Town Council, to consultations on planning matters and other consultations relating to matters within the remit of the Committee;
- To consider issues, consultation documents and policy initiatives relating to the regeneration and economic development of the St Austell area and to respond, on the Council's behalf, as appropriate;
- To direct all activity designed to regenerate the town and promote economic development in the St Austell area;
- To prepare an annual budget estimate for the areas within its remit for submission to full Council;
- Spending limit: Up to £10,000 on any one item, subject to expenditure being within an agreed budget head and policy and a suitable procurement process put in place. (Expenditure outside these limits to be recommended to full Council for approval).

#### **Relevant Delegations:**

- Responses to planning consultations and other consultations within the remit of the Committee.
- To direct activity designed to regenerate the town and promote economic development in the St Austell area.
- Approval of planning and other relevant training within budget.
- The Clerk in consultation with the Chair and Vice Chair (and the local Cornwall Council Divisional Member where appropriate) may agree a response to consultations in cases when a response is required urgently.

## **Finance and General Purposes Committee**

To oversee the governance arrangements of the Council including its financial and administrative arrangements and the management of the Council's property, information technology and communications. To manage public conveniences, car parks and the library service.

### **Responsibilities:**

- To ensure that the Council has proper governance arrangements, complies with legal duties and maintains high standards in the conduct of its business;
- To oversee the financial management of the Council and support the Responsible Financial Officer of the Council;
- To regularly monitor income and expenditure against budgets on behalf of the Council;
- To direct the Council's communications activity, including public information, consultation and engagement and media relations;
- To manage the Council's public conveniences, car parks and library services;
- To maintain adequate and robust internal and external audit arrangements and to receive and ensure that audit reports are properly considered and acted on;
- To manage the Council's property portfolio and maintain and review appropriate asset registers and insurance arrangements;
- To oversee and approve the Council's information technology requirements including telecommunications;
- To manage and oversee the Council's risk management and health and safety arrangements;
- To review policies and procedures at agreed intervals;
- To prepare an annual budget estimate for the areas within its remit for submission to full Council;
- Spending limit: Up to £10,000 on any one item, subject to expenditure being within an agreed budget head and policy and a suitable procurement process put in place. (Expenditure outside these limits to be recommended to full Council for approval).

**Relevant delegations:**

- Appointment of Internal Auditor.
- Risk Management
- Health and Safety
- Insurance arrangements.
- Allotment administration (subject to £2000 limit per annum)
- Banking and Treasury Management arrangements.
- To approve responses to consultation papers on governance matters.
- The Town Clerk be authorised to transfer monies between Bank Accounts and to undertake investment activities in accordance with approved Treasury Management Strategies.

## **Community Committee**

### **Purpose:**

To direct all activity designed to improve the community and cultural life of the St Austell area including the environment.

### **Responsibilities:**

- To direct all activity designed to benefit the town and its community, except those aspects reserved to other Committees;
- To operate the Council's Small Grants Scheme, and recommend revisions to the Scheme for approval by full Council;
- To manage the allotments, sports grounds, open spaces, verges and bus shelters which are owned, leased or managed by the Town Council;
- The management of contracts for CCTV, footpath maintenance and weed treatment works within budget;
- To approve responses to consultation papers relating to matters within the remit of the Committee;
- To manage the Council's input to issues relating to youth services and the House;
- To maintain the Council's environmental initiatives;
- To prepare an annual budget estimate for the areas within its remit for submission to full Council;
- To direct all activity in relation to the prevention of anti social behaviour
- Spending Limit: Up to £10,000 on any one item, subject to expenditure being within agreed budget head and policy and a suitable procurement process put in place. (expenditure outside these limits to be recommended to full Council for approval)

### **Relevant delegations:**

- Grants under the Council's small grants scheme.
- Grants up to £10,000 provided they are within an approved budget



- Small environmental projects costing less than £10,000 within budget.
- The management of contracts for CCTV, parks and open spaces, footpath maintenance and weed treatment works within budget.
- To approve responses to consultation papers relating to matters within the remit of the Committee.

## **Staffing Committee**

### **Purpose:**

To deal with all staffing matters on behalf of the Council including:

- Making recommendations to the Council on changes to the staffing establishment;
- Appointments within the staffing establishment approved by the Council, except as delegated to the Town Clerk;
- Performance review and training;
- Disciplinary, capability and grievance procedures in accordance with the procedures approved by the Council;
- Terms and conditions, pay and pensions issues in accordance with National and Local policies and practices approved by the Council

### **Relevant delegations:**

- As above, where such matters are within approved budgets.
- Town Clerk to deal with staffing matters within the scope of the approved Scheme of Delegations.
- The performance review of the Town Clerk to be undertaken by the Mayor and one other member of the Staffing Committee.

### **Exclusions:**

- The full Council to approve the Council's staffing establishment and the procedures to be adopted for the recruitment and selection of the Town Clerk.

## **Dispensations Procedure**

**(Approved 16<sup>th</sup> December 2019)**

# **Dispensations Procedure**

## **1. Introduction**

1.1 St Austell Town Council is responsible for determining requests for a dispensation by a Councillor under Section 33 of the Localism Act 2011. The Town Council is a 'relevant Authority' under Section 27 (6) (d) of the Act.

1.2 This Procedure explains the: -

- i) purpose and effect of dispensations;
- ii) procedure for requesting dispensations;
- iii) criteria which are applied in determining dispensation requests; and
- iv) terms of dispensations.

## **2. Purpose and Effect of Dispensations**

2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or Non-registerable Interest. Provided Councillors act within the terms of their dispensation, there is deemed to be no breach of the Code of Conduct or the law.

2.2 Section 31 (4) of the Localism Act 2011 states that dispensations may allow the Councillor: -

- i) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- ii) to participate in any vote, or further vote, taken on the matter at the meeting(s).

2.3 If a dispensation is granted, the Councillor may remain in the room when the business is being considered.

**Please note: If a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.**

### **3. Procedure for Requesting Dispensations**

- 3.1 Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form (Appendix A) and submit it to the Town Clerk as soon as possible before the meeting at which the dispensation is required. Applications may also be made at a Committee or Full Council meeting.
- 3.2 There will be a standing item on the Full Council and Committee agendas to consider dispensation requests.
- 3.3 A request for dispensation will be made on an individual basis.
- 3.4 The Full Council or Committee may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Non-registerable Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:
  - i) so many members of the decision-making body have a Disclosable Pecuniary Interest that it would impede the transaction of the business (i.e. the meeting would be inquorate);
  - ii) the Council considers that the dispensation is in the interests of persons living in the parish; or
  - iii) it is otherwise appropriate to grant a dispensation.
- 3.5 The Minute of the decision must include statutory reference and length of time.
- 3.6 The Councillor will receive confirmation of the Council's or Committee's decision in writing.

### **4. Criteria for Determination of Requests**

4.1 In reaching a decision on a request for a dispensation the Council will take into account:

- i) the nature of the Councillor's interest
- ii) the need to maintain public confidence in the conduct of the Council's business
- iii) the possible outcome of a proposed vote
- iv) the need for efficient and effective conduct of the Council's business
- v) any other relevant circumstances

## **5. Terms of Dispensations**

5.1 Dispensations may be granted:

- i) for one meeting; or
- ii) an agreed period not exceeding four years

5.2 The Monitoring Officer shall be notified of dispensations awarded and a copy of the form filed with the Councillor's Register of Interests.

## **6. Disclosure of Dispensations**

6.1 A Councillor that has been granted a dispensation must declare the existence and nature of the dispensation before the commencement of any business to which it relates.

## **7. Requests for a Dispensation at Meetings which become Inquorate**

7.1 In the event of the number of Members declaring an interest in an item during a Council/Committee meeting would result in the meeting becoming inquorate, the Town Clerk (or their representative) has

delegated authority to grant a dispensation to as many Councillors as necessary to enable the business to be transacted.

7.2 The Town Clerk (or their representative) shall award a dispensation to the Councillor who, in their opinion, has the least interest and their decision shall be final. This process shall continue until the meeting is quorate.

## **8. Review**

8.1 This Procedure will be reviewed regularly and amended as necessary to reflect best practice.

**DISPENSATION REQUEST FORM**

*Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.*

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
<b>REASON(S) FOR DISPENSATION</b>	
33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
33c) the dispensation is in the interests of persons living in the authority's area	



<p>33e) that it is otherwise appropriate to grant a dispensation</p> <p>Reason :</p>	

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

DECISION :	
Dispensation Given : YES / NO .....	LENGTH OF DISPENSATION :  
Date: ..... .....	Minute Number:  