ST AUSTELL TOWN COUNCIL

STANDING ORDERS

Approved: 12th October 2026

Review: October 2027

Index of model standing orders

Standing order		Page		Standing order		Page
1	Rules of debate at meetings	3		14	Code of Conduct Complaints	24
2	Disorderly conduct at meetings	6		15	Proper Officer	24
3	Meetings generally	6		16	Responsible Financial Officer	27
4	Committees and sub-committees	11		17	Accounts and Accounting Statements	27
5	Ordinary Council meetings	13		18	Financial Controls and Procurement	29
6	Extraordinary meetings of the Council and committees and sub-committees	16		19	Handling Staff Matters	30
7	Previous Resolutions	17		20	Responsibilities to provide information	31
8	Voting on appointments	18		21	Responsibilities under Data Protection Legislation	32
9	Motions for a meeting that require written notice to be given to the Proper Officer	19		22	Relations with Press and Media	32
10	Motions at a meeting that do not require written notice	20		23	Execution and Sealing of Legal Deeds	32
11	Management of information	21		24	Liaison with Unitary Councillors	33
12	Draft minutes	21		25	Restrictions on Councillor Activities	33
13	Code of Conduct and Dispensations	22		26	Standing Orders Generally	33

Appendix 1 = Terms of Reference for Committees

Paragraphs in bold type face indicate statutory requirements.

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 Chair 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c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn or may be moved by another Councillor present.

d If a motion (including an amendment) had been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 original motion (as amended) 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 and, if requested by the Chair of the meeting, is expressed in writing to the Chair.

h A councillor may move an amendment to their 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 Chair of the meeting.

j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.

k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m. The mover of an amendment has no right of reply at the end of debate on it.

n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of the debate on the final substantive motion immediately before it is put to the vote.

o. Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion 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 on 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.

q. A point of order shall be decided by the Chair of the meeting and their 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;
ii. To refer a motion to a committee or sub-committee for consideration;
iii. To exclude the public and press;
iv. To adjourn the meeting; or
v. To suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently

debated and that the mover of the motion under debate has exercised or waived their 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 Chair 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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or 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 Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

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 Chair of the meeting.

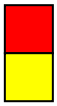
g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.

h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

i A person shall raise their hand when requesting to speak and may remain seated when speaking.

j A person who speaks at a meeting shall direct their comments to the Chair of the meeting.

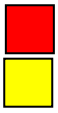
k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.



l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**



m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**



n **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.**



o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**



p **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**



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



r **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

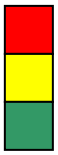
See standing orders 5(h) and (i) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.

s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a**

councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question or abstained from voting. 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.

t 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 the names of Councillors who have sent apologies;
iii. Interests that have been declared by councillors and non-councillors with voting rights;
iv. The grant of dispensations (if any) to councillors and non-councillors with voting rights;
v. Whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
vi. If there was a public participation session; and
vii. The resolutions made.

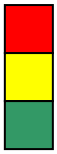


u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on their right to participate and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



v **No business may be transacted at a meeting unless at least**

one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three. Where the Council is meeting in its capacity as a trustee for a formal trust this clause shall apply. See standing order 4d (vii) below for the quorum of a committee or sub-committee meeting.



w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

x 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 the 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 other than a standing committee, to appoint its own chair 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 if 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 or a sub committee or combine two or more committees or sub committees.

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 subcommittees 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 the Council shall be held on such day in May as the Council decides.

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

d) **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides**

e) The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.

f) The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

g) The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

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

i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

j) Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting the business shall include:

i. **In an election year, delivery by the Chair 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 Chair of the Council of their 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;
ix. Review and adoption of appropriate standing orders and financial regulations;
x. Review of arrangements (including legal agreements) with other local authorities not for profit bodies and businesses;
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 other assets including buildings and office equipment;
xiv. Confirmation of arrangements for insurance cover in respect of all insurable 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 policies, procedures and practices in respect of its obligations under the Freedom of Information and the Data Protection legislation (see also standing orders 11,20 and 21);

xviii. Review of the Council's policy for dealing with the press/media; and

xix. Review of the Council's employment policies and procedures;

xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence

xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

k. Members' Formal Questions

i. 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.

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

iii. 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, committees and sub-committees

a The Chair of the Council may convene an extraordinary meeting of the Council at any time.

b. If the Chair of the Council does not call an extraordinary meeting of the Council within 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 shall be signed by the two councillors.

c. The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time subject to the rules for calling meetings.

d. If the Chair of a committee (or a sub-committee) does not call an extraordinary meeting within 7 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 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) has been disposed of, no similar motion may be moved for a further six months.

c. Notwithstanding standing order 7(a) above, the Planning and Regeneration 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 Chair and Vice-chair 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 Chair 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 for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the 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 so that it can be understood, in writing, to the Proper Officer 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 chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f 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 and numbered in the order that they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason 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 the 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, and their members
x. To extend the time limits for speaking;
xi. To exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
xii. To not hear further from a councillor or a member of the public;

xiii. To exclude a councillor or member of the public for disorderly conduct;

xiv. To temporarily suspend the meeting;

xv. To suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);

xvi. To adjourn the meeting; or

xvii. To close the meeting.

11. Management of Information

a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

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).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

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

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

e Subject to the publication of draft minutes in accordance with standing order 20(a) and following 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, and Dispensations

See also standing order 3(u).

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.

d **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.

e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

f A dispensation request shall confirm:

i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

iv. an explanation as to why the dispensation is sought.

g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:

i. 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;

ii. granting the dispensation is in the interests of persons living in the Council's area; or

iii. it is otherwise appropriate to grant a dispensation.

14. CODE OF CONDUCT COMPLAINTS

a **Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

15. 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 or by email authenticated in such a 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 e-mail), and**

- **Provide, in a conspicuous place, a 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 3 (b) for the meaning of clear days for a meeting of a full Council and standing order 3 (c) for the meaning of clear days for a meeting of a committee.

ii. Subject to standing order 9, 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 their withdrawal of it;

iii. Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;

iv. **Facilitate inspection of the minute book by local government electors** and other residents.

v. **receive and retain copies of byelaws made by other local authorities and other residents;**

vi. hold acceptance of office forms from councillors;

vii. hold a copy of every councillor's register of interests;

viii. assist with responding to requests made under the Freedom of Information legislation and rights exercisable under Data Protection Act legislation, in accordance with the Council's relevant policies and procedures;

ix. liaise as appropriate with the Council's Data Protection Officer (if there is one);

x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (eg the Limitation Act 1980);

xii. arrange for legal deeds to be executed;
See also standing order 23 below.

xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its 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. refer a planning application or such similar consultation received by the Council to the Chair or in their 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 before the next ordinary meeting of the Planning and Regeneration Committee; or

xvi. 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 are necessary to meet deadlines imposed;

xvii manage access to information about the Council via the publication scheme; and

xviii retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

See also standing order 23 below.

16.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.

17. 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."

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 (or income and expenditure) for each quarter;

ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

iii. the balances held at the end of the accounting period being reported and 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 (or income and expenditure) for the last quarter and the year to date for information; and

ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability 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 apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the Council. . The annual return of the Council, which is subject to external audit, including the annual governance and accountability statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. 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. whether contracts with an estimated value below £100,000 or due to special circumstances are exempt from a tendering process or procurement exercise.

b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c 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. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer or electronically if agreed;

iv. 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;

v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. 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 Chair of the Staffing Committee or, if he is not available, the Vice-Chair 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 Chair of the Staffing Committee or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The review 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 member of staff (or other members of staff) shall contact the Chair of the Staffing Committee or in their absence, the Vice-Chair 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 Chair or Vice-Chair 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 as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f)

20. Responsibilities to provide information

See also standing order 21

a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

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

21. Responsibilities under Data Protection Legislation

See also standing order 11

a. The Council may appoint a Data Protection Officer

b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.

c. The Council shall have a written policy in place for responding to and managing a personal data breach.

d. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

e. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

f. The Council shall maintain a written record of its processing activities.

22. 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.

23. Execution and sealing of legal deeds

See also standing orders 15(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 23 (a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. 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.

25. Restrictions on councillor activities

i. Unless duly authorised, no councillor shall inspect any land and/or premises which the council has a right or duty to inspect; or
ii. issue orders, instructions or directions.

26. Standing orders generally

a All or part of a standing order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.

c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible

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

APPENDIX 1

Community and Environment Committee

Purpose:

To direct all activity designed to improve the community and cultural life of the St Austell area including the environment. To investigate and report such measures that will impact efforts to meet the challenges of a climate emergency and make recommendations to full Council.

Responsibilities:

- To direct all activity designed to benefit the town and its community, except those aspects reserved to other Committees;
- To develop and maintain a climate emergency plan;
- To direct activity designed to reduce the Council's carbon footprint.
- To liaise with Government agencies, Cornwall Council, strategic partners and members of the community to educate, inform and advise on carbon reduction;
- 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, 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;
- 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;

- Spending Limit: Up to £12,500 on any one item, subject to expenditure being within agreed budget head and policy and a suitable procurement process being 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.
- Miscellaneous grants up to £10,000 provided they are within an approved budget.

- Environmental projects up to £12,500 provided they are within an approved 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.

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 monitor the work of and liaise as necessary with the St Austell Town Centre Partnership;

- To consider issues, consultation documents and policy initiatives relating to highways and transportation;

- To prepare an annual budget estimate for the areas within its remit for submission to full Council;

- Spending Limit: Up to £12,500 on any one item, subject to expenditure being within an agreed budget head and policy and a suitable procurement process being put in place. (Expenditure outside these limits to be recommended to full Council for approval);

- To liaise as appropriate with local parish councils on planning issues with regard to the local plan.

- To agree the basis on which the Town Council undertakes or commissions work relating to the Regional Spatial Strategy, the Local Plan and the Neighbourhood Priority Statement for St Austell.

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 Ward 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 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 oversee 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 oversee 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 £12,500 on any one item, subject to expenditure being within an agreed budget head and policy and a suitable procurement being 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.
- Banking and Treasury Management arrangements.
- Allotment administration
- 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.
- See separate paper detailing specific financial delegations.

Relevant delegations:

- Carbon accounting and monitoring;
- To approve responses to consultation papers relating to matters within the remit of the Committee.

Staffing Committee

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.

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 Mayor and one other member of the Staffing Committee to undertake the performance review of the Town Clerk.

Exclusions

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