



Saltash Town Council



Policy/Procedure:

Standing Orders 2020

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This is a Policy or Procedure document of Saltash Town Council to be followed by both Councillors and employees.

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SALTASH TOWN COUNCIL

~~Standing Orders May 2020~~ Standing Orders
June 2020

Saltash Town Council – Standing Orders Appendix (April 2020)

This document should be read in conjunction with the Standing Orders of the Council and the Remote Meetings Protocol and Procedure Rules.

Background

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. These regulations apply to meetings that are held or due to be held before 7 May 2021 unless the legislation is repealed prior to that date.

- **Part 2** of the Regulations make provision for remote access to meetings of local authorities by members of a local authority and by the press and public.
- **Regulation 4** enables local authorities to hold and alter the frequency and occurrence of meetings without requirement for further notice.
- **Regulation 5** makes provision for members of local authorities to attend meetings remotely.
- **Part 3 of the Regulations** modifies the existing legislative requirements for local authority meetings.
- **Regulation 6** removes the requirement to hold an annual meeting.
- **Regulations 13 to 17** modify legislation relating to public and press access to information relating to decisions made by local authorities to enable such access to be available through remote means.

The following amendments to Standing Orders apply to arrangements for meetings (which include committee and sub committee meetings) held by Saltash Town Council until 7th May 2021 or earlier if the legislation is repealed.

The Regulations made under s78 of the Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Protocol and Procedure Rules take precedence in relation to any remote meeting.

Standing Order 1d: General

The requirement to give one month's notice, and then adopt by resolution by two thirds majority of the full Council, to alter the frequency of meetings of the Council is removed. ¹

¹ Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Policy and Crime Panel Meetings) (England and Wales) Regulations 2020 Part 2 (4)(1)

Requirement for meetings to be held

The minimum number of meetings to be held this year is now three.

Standing Order 6a: Annual Meetings

1. The requirement for STC to hold an Annual Meeting in May has been removed and may only take place prior to 7th May 2021
 - a. where called by the Chair
 - b. following a resolution calling for an annual meeting being passed at an ordinary or extraordinary meeting of the Council.
2. Existing governance may remain in place until 7th May 2021 or a rescheduled Annual Meeting (whichever is the sooner).²
3. Mayor and Deputy Mayor:

The Mayor and Deputy Mayor will continue in Office until the next Annual Meeting unless they resign or become disqualified.
4. Appointments to Committees:

All appointments will remain in place until the next Annual Meeting unless a Member resigns or becomes disqualified.
5. Appointments to Outside Bodies:

All appointments will remain in place until the next Annual Meeting unless a Member resigns or becomes disqualified.

Standing Order 2: Meetings

Place of Meeting

A meeting of the Town Council is no longer limited to a place in which all Members are present. A 'place' where a meeting is held includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. ³

Scheduling of Meetings

Meetings will be scheduled as required and may vary from the annual calendar. ⁴

Attendance by Members

Any Member of the Town Council will be deemed to be in (remote) attendance (i.e. present) for purposes of the six-month rule if the following conditions are satisfied⁵:

² Part 2 (2)

³ Part 2 (5) (1)

⁴ Part 2 (4)

⁵ Part 2 (5) (3.a-c)

The Member is able to:

- a. hear, and where practicable see and, where practicable, be seen by, the other members in attendance;
- b. hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- c. to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Public and Press attendance

Meetings shall be open to the public and press in remote attendance where access is provided including (but not limited to) video conferencing, live webcast, live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.⁶

Any member of the public or press in attendance will continue to be excluded by resolution from the meeting where an item of confidential business is to be discussed. The minutes will record that only Members remain in the meeting for these items.

Notice of Meetings (including publication of associated documents)

Notice of meetings shall be posted on the Town Council website and social media with three clear days' notice. All associated documents shall continue to be posted on the Town Council website.

Voting on items

Standing order 2r continues to apply.

All votes shall be recorded in the normal manner to ensure accuracy by a roll call in alphabetical order of those present at the meeting and eligible to vote.

Ordinary Meetings

Order of business:

- a. To choose a person to preside if the Mayor and Deputy Mayor are absent
- b. Introduction to meeting format including:
 - i. Rules of debate
 - ii. Recording of meeting
 - iii. Voting procedure
 - iv. Public attendance

⁶ Part 3 (13)

- v. Procedure in event of technical incident(s)
- c. Roll call of Members present
- d. Apologies
- e. To received Declarations of Interests and consider written requests for dispensations
- f. Public participation (maximum of 15 minutes) - to consider written questions from Members of the public 24 hours prior to the meeting by email enquiries@saltash.gov.uk
- g. To read and approve as correct the Minutes of Full Council
- h. To receive and note Minutes of Committees and Sub Committees reporting to Full Council and consider recommendations therein.
- i. To consider other matters placed on the agenda.
- j. To consider other matters submitted by motion.
- k. To consider matters of public engagement and communication.
- l. To note the date of the next meeting.
- m. To move to order that the Common Seal of the Council be affixed to all deeds and documents necessary to give effect to the foregoing acts and proceedings.

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1. General principles

- a. These Standing Orders apply to the meetings and actions of Saltash Town Council, and to its Committees and Sub Committees and supersede as and when required any delegated authorities as required and as may be in place from time to time. over relevant legislation and in particular the relevant provisions of the Local Government Act, 1972 Schedule 12, Part IV.
- b. 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.
- c. A motion to add to, 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 six (6) Councillors to be given to the Proper Officer in accordance with Standing Order 10.
- d. Any variation or amendment to these Standing Orders, including their Appendices, will not come into force until they have been adopted by resolution passed by a two-thirds majority of the full Council, having given one month's notice of the agreed changes.
- e. A printed copy of these Standing Orders and their Appendices shall be kept by the Proper Officer and shall be available for inspection by any member of the Public and made available on the Council website. An electronic or printed copy of the Standing Orders shall be given to each member of the Council by the Clerk as soon as possible following the member's Declaration of Acceptance of Office, and a printed or electronic copy, as requested, of the Standing Orders and their Appendices be given to all Members by the Clerk on request.
- f. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

2. Meetings generally

- 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. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend at that point identified on the agenda for public participation.
- e. At the Chairman's discretion and with the agreement of the Council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- f. The period of time designated for public participation at a meeting in accordance with standing order 2(d) above shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 2(e) above, a member of the public shall not speak for more than 3 minutes.
- h. In accordance with standing order 2(d) 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. Any member of the public wanting to put a question to the Council must do so 24 hours prior to the meeting by writing or email enquiries@saltash.gov.uk
- j. A person who speaks at a meeting shall direct their 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. During Planning and Licensing Committee meetings members of the public who have registered to do so may speak at the discretion of the Chairman and with the approval of members of the Planning and Licensing Committee.
- m. There will be no public attendance or participation at meetings of the Personnel Committee.
- n. **The press 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 Mayor of the Council may in their absence be done by, to or before the Deputy Mayor of the Council.**
- p. **The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor 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 Councillors with voting rights present and voting.**
- r. **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 their casting vote whether or not they gave an original vote.**
- 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.** Such a request shall be made before moving to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.
- t. The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
 - ii. the names of Councillors present and absent;
 - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
 - iv. the grant of dispensations (if any) to 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 the 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 ~~6 (six)~~ (seven) members of the Council are present, ~~being one-third of the whole number of members of the Council~~.** The Terms of Reference for each standing committee will define its quorum which in no case be less than three (3).
- 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.

3. 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 unless 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) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

- e. An amendment is a proposal to remove or add 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 early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A Councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j. Subject to standing order 3(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 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 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the 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 they 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 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 chairman 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;
 - 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 or legal 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 their right of reply.
- t. Excluding motions moved under standing order 3(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.

4. 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.

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- c. If a resolution made under standing order 4(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

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5. Committees and sub-committees

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the Committee.**
- b. **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d. The Council has established Terms of Reference for the governance of its Committees which are attached as an appendix to these Standing Orders. They confirm the membership, voting rights, delegated authority and training requirements, and may only be varied by resolution of a meeting of ~~full Council.~~ [\(Pending.\)the Policy and Finance Committee.](#)
- e. The Council may appoint committees as may be necessary, and:
 - i. shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights.
 - 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 5(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;
 - vii. shall determine if the public may participate at a meeting of a committee;
 - viii. shall determine if the public and 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 subcommittee that they are permitted to attend; and
 - x. may dissolve a committee.
- f. Members of the Town Council shall have the right to attend the Policy and Finance, ~~Property Land and Environmental Services~~, Planning and Licensing and Burial Authority Committees.

Six members of the Town Council will be appointed to the Personnel Committee and all members of the Committee must be willing to commit to undertake employment law training as soon as they are elected subject to course availability.

Members of the Town Council shall have the right to attend all Sub Committees and Working Parties as non-voting members. They may sit at the table at the discretion of the Committee and may speak at the invitation of the Chairman.

All members of the Planning and Licensing Committee are to undertake Planning training within six months of their appointment subject to course availability.

- g. Where the press and public are excluded from any part of a meeting, members of the Council not appointed to serve on the committee will also be excluded from that part of the meeting.

6. Meetings

The following shall be considered as full Council meetings:

- a. Annual Town Council meeting**
- b. Ordinary meetings of the Council**
- c. Extra Ordinary meetings of the Council**

a. Annual Meetings

- i. In an election year, the Annual Meeting of the Council shall be held on the third Thursday of May, or the first Thursday after the Elections if the date is varied and must in any case take place within 14 days following the day on which the new Councillors elected take office.**
- ii. In a year which is not an election year, the Annual Meeting of a Council shall be held on the first Thursday in May at 7pm.**
- iii. The first business conducted at the Annual Meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- iv. The Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected.**
- v. The Deputy Mayor, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next Annual Meeting of the Council.**
- vi. In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.**
- vii. In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Mayor of the Council has been elected. They may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.**
- viii. Following the election of the Mayor and Deputy Mayor of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:**

- a) **In an election year, delivery by the Mayor 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 Mayor of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
- b) Confirmation of the accuracy of the minutes of the last meeting of the Council;
- c) Receipt of the minutes of the last meeting of a committee;
- d) Consideration of the recommendations made by a committee;
- e) Review of delegation arrangements to committees, subcommittees, staff and other local authorities;
- f) Review of the terms of reference for committees;
- g) Appointment of members to existing committees;
- h) Appointment of any new committees in accordance with standing order 5 above;
- i) In an election year, to confirm that the Council has met the eligibility criteria and is able to adopt and exercise the general power of competence;
- j) Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.

b. Ordinary Meetings

- i. **Ordinary Full Council meetings shall be held on the first Thursday of each month excepting May, unless otherwise determined by resolution at the Annual Meeting of the Council.**
- ii. **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.**
- iii. At Ordinary Full Council Meetings the order of business shall be :
 - a) Health and safety announcements.
 - b) To choose a person to preside if the Mayor and Deputy Mayor be absent.
 - c) Prayers, where permitted by Motion of the Council and desired by the Mayor/Chairman.

- d) Apologies for absence.
- e) To receive Declarations of Interests as required by the Code of Conduct or by relevant legislation and consider written requests for dispensations.
- f) Guest speakers should normally be limited to one per meeting with the permission of the Council and shall not exceed 10 minutes unless directed by the Chairman.
- g) To receive reports from the Mayor, Police crime figures, Saltash Gateway CIC, Cornwall Gateway Community Network Area, and other bodies or Members at the discretion of the Mayor.
- h) To consider Written Questions from Members of the Public.
- i) To read and approve as a correct record the Minutes of Full Council.
- j) Meetings not yet approved but ready for approval.
- k) To consider Financial Matters.
- l) To consider Correspondence.
- m) To receive and note Minutes of Committees of the Council, and of Sub Committees reporting to Full Council, and consider any recommendations therein.
- n) To consider other matters placed on the agenda.
- o) To consider other matters submitted by motion.
- p) To consider Planning and Licensing Matters.
- q) To consider matters of public engagement and communication.
- r) To note the Dates of the Next Meetings.
- s) To move to order that the Common Seal of the Council be affixed to all deeds and documents necessary to give effect to the foregoing acts and proceedings.

c. Extraordinary meetings of the Council and committees and sub committees

- i. **The Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
- ii. **If the Mayor of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**

- iii. The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- iv. If the Chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or the subcommittee may convene an extraordinary meeting of a committee or a sub-committee.
- v. **At Extra Ordinary Full Council Meetings, the order of business shall be:**
 - a) Health and safety announcements.
 - b) To choose a person to preside if the Mayor and Deputy Mayor are absent.
 - c) Apologies for absence.
 - d) To receive Declarations of Interests as required by the Code of Conduct or by relevant legislation and consider written requests for dispensations.
 - e) To consider the matters specified when the meeting was called.
 - f) To note the Dates of the next meetings.
 - g) To move to order that the Common Seal of the Council be affixed to all deeds and documents necessary to give effect to the foregoing acts and proceedings.

d. **Annual Town Meeting**

- i. The Annual Town Meeting shall be held between March 1st and June 1st, at a time fixed by resolution of the full Council.
- ii. At the Annual Town Meeting the order of business shall be:
 - a) Health and safety announcements.
 - b) To choose a person to preside if the Mayor and Deputy Mayor be absent.
 - c) Prayers, where permitted by Motion of the Meeting and desired by the Mayor/Chairman.
 - d) Apologies for absence.
 - e) To adopt the minutes of the last Annual Town Meeting of electors.

- f) To receive annual reports from the Mayor, Saltash Town Council, Cornwall Council, Police, Saltash Gateway, CIC and representatives of outside partners within the area of Saltash.
- g) To consider questions from members of the public.
- h) To note the date of the next Annual Town Meeting with electors.

7. Filming and recording meetings

a. Filming and Recording Council meetings

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

b. Disruptive behaviour whilst filming and recording

- i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
- ii. If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour whilst filming or recording, any Councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
- iii. If a resolution under standing order 7 b(ii) 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.

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

8. Previous resolutions and Rescission of minutes

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six (6) Councillors to be given to the Proper Officer in accordance with standing order 10 below.
- b. The Mayor or Chairman of the relevant committee may call an extra ordinary meeting to consider a written notice to rescind a decision of that meeting when in receipt of a notice under standing order 10.
- c. When a motion moved pursuant to standing order 8 (a) above has been disposed of, no similar motion may be moved within a further six months.

9. Voting on appointments

a. Election of Officers

- i. Where two or more persons have been nominated for a position to be filled as an officer of the Council, election will take place by recorded ballot.

Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk.

- ii. 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.
- iii. A tie in votes may be settled by the casting vote of the Chairman of the meeting.

b. Representatives to outside bodies

- i. Where two or more persons have been nominated to serve as a representative to an outside body, election will take place by a show of hands, unless two members of the Council request a recorded vote.
- ii. 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.
- iii. A tie in votes may be settled by the casting vote of the Chairman of the meeting.

10. 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 to 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. A written notice of motion received in accordance with these Standing Orders may be referred to any meeting of the Council or its committees or sub committees. The final decision as to where the motion will be considered will be made by the Proper Officer.
- c. 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 ten (10) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- d. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10 (b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- e. If the Proper Officer considers the wording of a motion received in accordance with standing order 10 (b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least eight (8) clear days before the meeting.
- f. 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 relevant Committee meeting or the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- g. A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.
- h. Subject to standing order 10 (e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

11. 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 sensitive 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 requirements).
 - xvi. to adjourn the meeting or
 - xvii. to close a meeting.

12. Management of information

(see also standing order 20)

- 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, policy for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **The agenda, papers that support the agenda and the minutes of the meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

13. Minutes

- a. The Minutes of all Committees shall be reported to Full Council to consider any Recommendations and matters arising from them. If a copy has been circulated to each member of the Council not later than the date of issue of the summons to attend the Meeting, the minutes will be taken as read.
- b. Minutes of Sub Committees will be received and considered by the relevant Committee. Working Groups may keep notes but shall not be required to keep Minutes except by resolution of the full Council.
- c. 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 11 (a) i above.
- d. 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.
- e. If the Chairman 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 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- f. 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.

14. Code of Conduct and dispensations

General

- a. The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to 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 matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c. The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

- a. 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.
- b. 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.
- c. All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.
- d. 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.

- e. 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.
- f. 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.
- g. Members must record in a Register of Interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £25 or over.
- h. A Member of the Council may, for the purposes of their 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.

Code of Conduct Complaints

- i. 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.
- j. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor or Deputy Mayor of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer as set out in this Standing Order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- k. 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.
- l. 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.
- m. 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.
- n. Upon notification by the Monitoring Officer of Cornwall Council that a Councillor or Non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from Office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.
- o. **In the event of a complaint received by the Proper Officer or Administration Staff relating to a standing Council member (submitted by either a Council member or member of the public), the complainant shall be directed to the Chairman of the Council to resolve or referred to the Monitoring Officer.**

Dispensations

- a. The Council has adopted the Cornwall Association of Local Councils, A Guide To Awarding Dispensations 2012, 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.
- b. The Guide shall apply to all meetings of the Council, its Committees and Sub Committees.
- c. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- 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 meeting of the Council, or Committee or Sub Committee for which the dispensation is required that decision is final.
- f. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest of 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. A dispensation may be granted in accordance with Standing Order 14(a) above if having regard to all relevant circumstances the following applies:
 - i. without the dispensation the number of person prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - 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

15. Proper Officer

- a. The Proper Officer shall be either (i) the Clerk or (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 put in place arrangements to:
 - i. **at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer;**
 - ii. **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**
 - iii. **convene a meeting of full Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in their office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. retain acceptance of office forms from Councillors.
 - vi. retain a copy of every Councillor's register of interests.
 - vii. prepare and make available all agendas and minutes in line with the provisions of these Standing Orders.
 - viii. To act as the exempting officer and respond to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Council's policies and procedures relating to the same.
 - ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
 - xi. arrange for legal deeds to be executed; (See also standing order 22 below).
 - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
 - xiii. refer a planning and or a licensing application received by the Council to the Mayor or the Chairman of the Planning and Licensing Committee within two working days of receipt to facilitate an

extraordinary meeting if the nature of a planning and or licensing application requires consideration before the next ordinary meeting of the Council or Planning and Licensing Committee.

- xiv. manage access to information about the Council via the publication scheme; and
- xv. 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).
- xvi. receive and retain copies of byelaws made by other local authorities.

16. Responsible Financial Officer

- a. When the Responsible Finance Officer is absent, the Council will appoint a Member to an unpaid post to undertake the work of the Responsible Financial Officer if required.

17. Procurement

The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2015 including thresholds shall be followed:

- Up to £25,000 requirements in the Councils standing orders and financial standing orders.
- Over £25,000 use of the Contract Finder website and other light touch rules in the Public Contracts Regulations 2015.

European Union requirements and the 'threshold' EU requirements apply to any contract the value of which exceeds the 'threshold'. The threshold is reviewed every two years. For contracts commencing on or after 1st January 2018 the threshold is:

- Over £181,302 for contracts for supplies and services or £4,551,413 for works contracts. Other detailed and complex requirements in the 2018 Regulations.

E.U. requirements include (but are not limited to) a requirement to advertise in the Official Journal of the European Union.

18. Orders for Work, Goods and Services

- a. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- b. Order books shall be controlled by the RFO.

- c. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 20.a below.
- d. A member may not issue an official order or make any contract on behalf of the Council.
- e. The Finance Officer shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the Finance Officer shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

19. Contracts

Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by legal professionals acting in disputes;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from an appropriate approved list.

- c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed or secure email address (which account has access restricted to the ~~Head of Administration and Library Services~~ [Assistant Town Clerk](#) and Administration Officer) until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or ~~Head of Administration and Library Services~~ [Assistant Town Clerk](#) in the presence of at least one member of the Council. Tenders received in the secure email account will be opened by either the ~~Head of Administration and Library Services~~ [Assistant Town Clerk](#) or Administration Officer in the presence of the Town Clerk.
- f. If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall refer to the Anti-Bribery Policy Statement and Anti-Fraud and Corruption Strategy.
- h. When it is intended to enter into a contract of less than £50,000 and above £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or FO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 19.a (ii) above shall apply.
- i. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

20. Payments Under Contracts for Building Or Other Construction Works

- a. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- b. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- c. Any variation to a contract or addition to or omission from a contract must be approved by the Council or delegated committee and Clerk to the contractor in writing, the Council or delegated committee being informed where the final cost is likely to exceed the financial provision.

21. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of the Personnel Committee is subject to standing order 12 above.
- b. Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of Personnel Committee or in their absence the Vice Chairman of the Personnel Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Personnel Committee in accordance with its terms of reference.
- c. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Personnel Committee of absence occasioned by illness or other reason and that person shall report such absence to Personnel Committee at its next meeting.
- d. The Mayor and Chairman of the Personnel Committee shall conduct a review of the performance and annual appraisal of the work of Proper Officer. The review and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer shall advise the Chairman of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee or its appointed representatives.

- f. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff and relates to the Mayor or Chairman of the Personnel Committee, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.
- g. 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.
- h. 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.
- i. In accordance with Standing Order 18(b) the Council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 18(g) & (h).
- j. 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 Proper Officer and the Chairman of the Personnel Committee.

22. Responsibilities to provide information

(See also standing order 19)

- 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.**

23. Responsibilities under Data Protection Legislation

(See also standing order 12)

- 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 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 effect 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 the processing activities.**

24. Relations with the press/media

- a. Requests from the press or other media for an oral or written comment of 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.

25. Execution and sealing of legal deeds

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Clerk to the Council, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person.

26. Communicating with Unitary Authority Councillors

- a. An invitation to attend a meeting of the Council shall be sent to the ward Councillor(s) of the Unitary Authority representing the area of the Council, together with the agenda for the meeting and other relevant papers.
- b. Unless the Council determines otherwise, a copy of relevant correspondence sent to the Unitary Authority shall be sent to the ward Councillor(s) representing the area of the Council.
- c. At the Chairman's discretion and with the approval of the Council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

27. Restrictions on Councillor activities

- a. Unless authorised by a resolution, no Councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
 - iii. issue any order respecting any works which are being carried out by or on behalf of the Council.
 - iv. incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.

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Appendix

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CORNWALL ASSOCIATION OF LOCAL COUNCILS

UNIT 1/1A, 1 RIVERSIDE HOUSE, HERON WAY, NEWHAM, TRURO,
CORNWALL, TR1 2XN

Serving the parish and town councils of Cornwall

A GUIDE TO AWARDING DISPENSATIONS 2012

Introduction

Parish Councils are now responsible for determining requests for a dispensation by a parish councillor under Section 33 of Localism Act 2011. This is because they are a "relevant authority" under section 27(6) (d) of the Act.

This guide explains:-

- a. the purpose and effect of dispensations
- b. the procedure for requesting dispensations
- c. the criteria which are applied in determining dispensation requests
- d. the terms of dispensations

a. Purpose and effect of Dispensations

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 or Non Registerable Pecuniary 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.

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

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

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and if the dispensation allows may also vote.

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Please note: If a parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

b. Process for making requests

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the Proper Officer of the council (ie. the Clerk) as soon as possible before the meeting at which the dispensation is required.

Applications may also be made at the parish council meeting itself (if parish councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself.

c. Consideration by the Parish Council

The Parish Council can either delegate to the parish clerk the authority to grant dispensations or reserve such decisions for the full parish council.

In either case, the decision must be based on one or more of the following criteria :

- a. so many members of the decision-making body have Non Disclosable or Non Registerable Pecuniary Interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- b. the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- c. it is otherwise appropriate to grant a dispensation.

The parish clerk or parish council should formally notify the Councillor and the Monitoring Officer of its decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision. A copy of any dispensation should be held with the Member's Register of Interests.

d. Delegation to the Clerk

If the parish council decides to delegate this role to the parish clerk then it will need to make a formal resolution to this effect, on the lines of:

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“RESOLVE that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).

e. Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the parish council or the parish clerk (as appropriate) will take into account:

- a. the nature of the Councillor’s prejudicial interest
- b. the need to maintain public confidence in the conduct of the Council’s business
- c. the possible outcome of the proposed vote
- d. the need for efficient and effective conduct of the Council’s business
- e. any other relevant circumstances

f. Terms of Dispensations

Dispensations may be granted:

- for one or more meetings of the Council; or
- for a named period not exceeding 4 years (normally the annual meeting after the next elections)

g. Disclosure of Decision

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

A copy of the dispensation will be kept with the Register of Councillors’ Interests.

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Terms of Reference of Committees

<Document when finalised to be inserted> (Due to be reviewed again by P&F)

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