

Standing Orders

RESPONSIBLE COMMITTEE: P&F

This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.

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Introduction

How to use these standing orders:

Standing orders are the written rules of the Town Council. They are used to confirm the Town Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of the Town Council but they refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of Full Council, Councillors and the Proper Officer and Responsible Finance Officer are subject to many statutory requirements. Therefore, the Town Council should have standing orders to confirm those statutory requirements. The Town Council has standing orders to control the number, place, quorum, notice and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements.

Standing orders that are in **bold** type contain legal and statutory requirements. It is recommended that Saltash Town Council adopt them without changing them or their meaning. Standing orders not in bold are there to help the Town Council operate effectively but do not contain statutory requirements so they have been designed to suit the town council's needs.

The standing orders do not include the Town Council's Financial Regulations but they are attached as Appendix 5. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a town council, include most of the requirements relevant to the Responsible Finance Officer.

Standing orders, financial regulations and town council policies are issued to all Councillors and these standing orders should be used in conjunction with the council's financial regulations, code of conduct and all policies and procedures duly adopted by the Town Council.

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1. Rules of debate at meetings

- 1.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- 1.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 1.3. A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- 1.4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 1.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 1.6. 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.
- 1.7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- 1.8. 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.
- 1.9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- 1.10. Subject to standing order 1.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- 1.11. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 1.12. A Councillor may not move more than one amendment to an original or substantive motion.
- 1.13. The mover of an amendment has no right of reply at the end of debate on it.

- 1.14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 1.15. Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
 - 1.15.1. to speak on an amendment moved by another Councillor;
 - 1.15.2. to move or speak on another amendment if the motion has been amended since they last spoke;
 - 1.15.3. to make a point of order;
 - 1.15.4. to give a personal explanation; or
 - 1.15.5. in exercise of a right of reply.
- 1.16. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- 1.17. A point of order shall be decided by the Chairman of the meeting and their decision shall be final.
- 1.18. When a motion is under debate, no other motion shall be moved except:
 - 1.18.1. to amend the motion;
 - 1.18.2. to proceed to the next business
 - 1.18.3. to adjourn the debate;
 - 1.18.4. to put the motion to a vote;
 - 1.18.5. to ask a person to be no longer heard or to leave the meeting;
 - 1.18.6. to refer a motion to a committee or sub-committee for consideration;
 - 1.18.7. to exclude the public and press;
 - 1.18.8. to adjourn the meeting; or
 - 1.18.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- 1.19. Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and

that the mover of the motion under debate has exercised or waived their right of reply.

1.20. Excluding motions moved under standing order 1.18 above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

2. Disorderly conduct at meetings

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

2.2. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

2.3. If a resolution made under standing order 2.2 above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

3.1. 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.

3.2. 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.

3.3. The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.

3.4. 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.

- 3.5. Members of the public have a legal right to attend decision making meetings of the Town Council and its Committees, except where they are excluded for specific items which need to be discussed in confidence (e.g. staffing matters or tenders for contracts).
- 3.6. Questions, **representations and evidence** must be submitted in writing using the form provided **no later than 12 noon the day before the meeting** either by email to enquiries@saltash.gov.uk or sent to The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX.
- 3.7. A period of fifteen minutes will be designated for public participation in accordance with standing order 3.5 above unless directed by the Chairman of the meeting and with the approval of Members of the Town Council.
- 3.8. Subject to standing order 3.6 above, a member of the public shall not speak for more than 3 minutes.
- 3.9. At the Chairman's discretion and with the agreement of the Town Council, a member of the public may be invited to speak in regard to the item under consideration by the Town Council at that point on the agenda where the matter is being discussed.
- 3.10. A member of the public that speaks at a meeting shall direct their comments to the Chairman of the meeting. 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.
- 3.11. In accordance with standing order 3.5 and 3.6 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.
- 3.12. For further clarification regarding public questions at a Town Council meeting, please refer to the Receiving Public Questions, Representations and Evidence at Meetings procedure.

- 3.13. A Councillor who speaks at a meeting shall direct their comments to the Chairman of the meeting.
- 3.14. Only one Councillor is permitted to speak at a time. If more than one Councillor wants to speak, the Chairman of the meeting shall direct the order of speaking.
- 3.15. **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.**
- 3.16. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Town Council may in their absence be done by, to or before the Deputy Chairman of the Town Council.**
- 3.17. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Deputy Chairman, if present, shall preside. If both the Chairman and the Deputy Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- 3.18. **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.**
- 3.19. **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. See standing orders 6.8 and 6.9 below for the different rules that apply in the election of the Chairman of the council at the annual meeting of the council.**
- 3.20. **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.**

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

- 3.21.1. the time and place of the meeting;
- 3.21.2. the names of Councillors present and apologies received;
- 3.21.3. interests that have been declared by Councillors and non-Councillors with voting rights;
- 3.21.4. the grant of dispensations (if any) to Councillors with voting rights;
- 3.21.5. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
- 3.21.6. if there was a public participation session; and
- 3.21.7. the resolutions made.

3.22. A Councillor or a Non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Town 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.

3.23. No business may be transacted at a Town Council meeting unless at least 7 (seven) members of the Town Council are present. The Terms of Reference for each standing Committee and Sub-Committee will define its quorum which in no case be less than three (3).

3.24. 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.

3.25. If a meeting becomes inquorate due to a member declaring an interest and leaving the meeting, that item of business can be moved to a future meeting, to allow the meeting to become quorate again and the remainder of the business on the agenda to continue.

3.26. A meeting shall not exceed a period of two and a half hours.

4. Filming and recording meetings

4.1. Filming and Recording Town Council meetings

4.1.1. When a meeting of the Town Council, its Committees or Sub- Committees is open to the public, any person, if present, may:

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

4.1.2. Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the Town Council, its Committees and Sub- Committees.

4.1.3. An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the Town Council has resolved to exclude the press and public.

4.2. Disruptive behaviour

4.2.1. 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.

4.2.2. 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.

4.2.3. If a resolution under standing order 4.2.2 above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

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

5. Committees and Sub-Committees

- 5.1. Unless the Town Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.**
- 5.2. The members of a Committee may include Non-Councillors unless it is a Committee which regulates and controls the finances of the Town Council.**
- 5.3. Unless the Town Council determines otherwise, all the members of an advisory Committee and a Sub-Committee of the advisory committee may be Non-Councillors.**
- 5.4. The Town 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 the Policy and Finance Committee.
- 5.5. The Town Council may appoint Committees as may be necessary, and:
 - 5.5.1. 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;
 - 5.5.2. 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;
 - 5.5.3. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - 5.5.4. shall, subject to standing orders 5.2 and 5.3 above, appoint and determine the terms of office of members of such a Committee;

5.5.5. shall permit a committee to appoint its own Chairman at the first meeting of the committee;

5.5.6. 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;

5.5.7. shall determine if the public may participate at a meeting of a committee;

5.5.8. 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;

5.5.9. shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend; and

5.5.10. may dissolve a committee.

5.6. Members of the Town Council will be summoned to attend the Policy and Finance, Services and Planning and Licensing scheduled Committees of the Town Council.

5.7. Six members of the Town Council will be appointed to the Burial Authority Committee.

5.8. The Chairman of the Town Council, Deputy Chairman, and two Members will be appointed to the Joint Burial Board Committee.

5.9. 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 every six months as soon as they are elected subject to course availability.

5.10. Members of the Town Council shall have the right to attend all Committees, 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.

- 5.11. All Members of the Town Council are advised to undertake employment law training every twelve months to maintain an awareness of employment law as the Corporate Employer.
- 5.12. All members of the Planning and Licensing Committee are to undertake Planning training within six months of their appointment subject to course availability.
- 5.13. All Chairman and Vice Chairman are advised as soon as they are elected to undertake relevant chairmanship training every twelve months subject to course availability.
- 5.14. Where the press and public are excluded from any part of a meeting, members of the Town Council not appointed to serve on the committee will also be excluded from that part of the meeting.

6. Ordinary Meetings (scheduled calendar meetings called by the Proper Officer)

- 6.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**
- 6.2. 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.**
- 6.3. If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
- 6.4. 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.**
- 6.5. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- 6.6. The Chairman of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**

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

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

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

6.10. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:

6.10.1. **In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**

6.10.2. To elect a Chairman – recorded vote. (The outgoing Chairman to present the Chairman's Chain to the incoming Chairman.)

6.10.3. To confirm and note that the Chairman of Saltash Town Council has signed their Declaration of Acceptance of Office in the presence of the Proper Officer.

6.10.4. Incoming elected Chairman to present the Past Chairman's Badge to the outgoing Chairman.

- 6.10.5. To elect a Vice Chairman – recorded vote. (The Chairman to present the Vice Chairman's Chain to the incoming Vice Chairman.)
- 6.10.6. Health and safety announcements.
- 6.10.7. Members present and apologies received.
- 6.10.8. To receive Declarations of Interests as required by the Code of Conduct or by relevant legislation and consider written requests for dispensations.
- 6.10.9. To consider Written Questions from Members of the Public (aligned to the Receiving Public Questions, Representations and Evidence at Meetings procedure).
- 6.10.10. To receive and approve as a true and correct record the Minutes of Full Council, standing order 13.1 and 13.3.
- 6.10.11. To receive and note Minutes of Committees and of Sub-Committees of the Council, reporting to Full Council, and consider any recommendations therein, standing order 13.1 and 13.3.
- 6.10.12. To receive annual reports from the Chairman of the Town Council, Cornwall Council, Police, Community Enterprises PL12, Safer Saltash, Community Area Partnership, Chamber of Commerce, Healthcare Action Group, and representatives of outside partners within the area of Saltash.
- 6.10.13. To consider Risk Management reports as may be received.
- 6.10.14. To consider Financial Matters.
- 6.10.15. To reaffirm the Council has met the eligibility criteria and is able to adopt and exercise the general power of competence in the future.
- 6.10.16. To readopt the Town Council Business Plan and Appendices for the coming year.
- 6.10.17. To readopt the Town Council Portfolios (land and assets).
- 6.10.18. To approve and sign the Town Council Health and Safety Statement for the coming year.

- 6.10.19. To note the Town Council insurance policies in respect of all insurable risks.
- 6.10.20. Following an election, if applicable, to approve the co-option process to fill any vacant seats on the Town Council.
- 6.10.21. To readopt the Town Council's existing policies and procedures for the coming year.
- 6.10.22. To note that the Planning and Licensing, Policy and Finance, and Services Committees remain a composition of sixteen Members. Members will be summoned to the scheduled meetings of this Town Council.
- 6.10.23. To appoint Members to the Town Council Committees. (List active Committees on the agenda.)
- 6.10.24. To appoint members to the Town Council Sub-Committees. (List active Sub-Committees on the agenda.)
- 6.10.25. To review the Town Council Working Groups and appoint Members accordingly. (List active Working Groups on the agenda.)
- 6.10.26. To review the outside partnerships and appoint Members accordingly. (List active outside partnerships on the agenda.)
- 6.10.27. To receive and adopt the Town Council Schedule of Meetings Calendar for coming year.
- 6.10.28. The Proper Officer to consider other matters placed on the agenda.
- 6.10.29. The Proper Officer to consider other matters submitted by motion, standing order 10.
- 6.10.30. To consider Planning and Licensing matters.
- 6.10.31. Public Bodies (Admission to Meetings) Act 1960
- 6.10.32. To resolve that pursuant to Section 1(2) of the Public Bodies (Admission to meetings) Act 1960 the public and press leave the meeting because of the confidential nature of the business to be transacted.
- 6.10.33. To consider any items referred from the main part of the agenda.

- 6.10.34. Public Bodies (Admission to Meetings) Act 1960
- 6.10.35. To resolve that the public and press be re-admitted to the meeting
- 6.10.36. To confirm Press and Social Media releases associated with any agreed actions and expenditure of the meeting.
- 6.10.37. Date of next meeting.
- 6.10.38. Common Seal.

6.11. For those Councillors that enter meetings after its commencement and/or leave before the cessation, and/or leave for a part of the meeting then that detail shall be recorded in the minutes.

7. Extraordinary meetings of the Town Council and Committees and Sub-Committees

- 7.1. The Chairman of the Town Council may convene an extraordinary meeting of the Town Council at any time.**
- 7.2. If the Chairman of the Town Council does not or refuses to call an extraordinary meeting of the Town 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 Town Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**
- 7.3. The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- 7.4. 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.

8. Previous resolutions

- 8.1. 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.
- 8.2. When a motion moved pursuant to standing order 8.1 above has been disposed of, no similar motion may be moved within a further six months.

9. Voting on appointments

- 9.1.1. Where more than two persons have been nominated for a position to be filled by the Town 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 of the Chairman of the meeting.

10. Motions for a meeting that require written notice to be given to the Proper Officer

- 10.1. 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 Town Council's statutory functions, powers and obligations or an issue which specifically affects the Town Council's area or its residents.
- 10.2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least ten (10) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 10.3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 10.4. If the Proper Officer considers the wording of a motion received in accordance with standing order 10.2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the

Proper Officer so that it can be understood at least eight (8) clear days before the meeting.

10.5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the relevant Committee meeting or the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

10.6. A written notice of motion shall not relate to any matter which may be considered under the Town Council's Code of Conduct, Complaints Procedure or employment policies.

10.7. Subject to standing order 10.5 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

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

11.1.1. to correct an inaccuracy in the draft minutes of a meeting.

11.1.2. to move to a vote.

11.1.3. to defer consideration of a motion.

11.1.4. to refer a motion to a particular committee or sub-committee.

11.1.5. to appoint a person to preside at a meeting.

11.1.6. to change the order of business on the agenda.

11.1.7. to proceed to the next business on the agenda.

11.1.8. to require a written report.

11.1.9. to appoint a committee or sub-committee and their members.

11.1.10. to extend the time limits for speaking.

11.1.11. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.

- 11.1.12. to not hear further from a Councillor or a member of the public.
- 11.1.13. to exclude a Councillor or member of the public for disorderly conduct.
- 11.1.14. to temporarily suspend the meeting.
- 11.1.15. to suspend a particular standing order (unless it reflects mandatory statutory requirements).
- 11.1.16. to adjourn the meeting or
- 11.1.17. to close a meeting.

12. Management of information (see also standing order 22)

- 12.1. **The Town 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.**
- 12.2. **The Town 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 Town 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).**
- 12.3. **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.**
- 12.4. **Councillors, staff, the Town Council's contractors and agents shall not disclose confidential information or personal data without legal justification**

13. Draft Minutes

- 13.1. The Draft 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 Town Council not later than the date of issue of the summons to attend the Meeting, the minutes will be taken as read.

13.2. Draft 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.

13.3. 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 11.1.1 above.

13.4. 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.

13.5. If the Chairman of the meeting does not consider the draft 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.’

13.6. Subject to the publication of draft minutes in accordance with standing order 13.1 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.

14. Code of Conduct, dispensations and training

(See also standing order 3.21).

General

14.1. The Town 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 Town Council in respect of the entire meeting.

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

14.2. Councillors 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.

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

Councillors and the Code of Conduct

14.4. All Councillors and members of the public co-opted to serve on Town Council Committees and Sub-Committees shall observe the Code of Conduct adopted by the Town Council.

14.5. All Councillors and members of the public co-opted to serve on Town 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 Proper Officer of any changes within 28 days.

14.6. All Councillors shall undertake training in the Code of Conduct within six months of the delivery of their declaration of acceptance of office.

14.7. 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.

14.8. 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.

14.9. Where a non-registerable interest arises from membership of an outside body as defined in 3.5A of the Town 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 minutes before leaving the room at the request of the Chairman.

14.10. Members must record in a register of interests maintained by the Proper Officer any gifts or hospitality that they are offered or received in connection with official duties as a councillor and the source of the gift or hospitality that could be seen by the public as likely to influence their judgement in these matters.

14.11. A Town Councillor may, for the purposes of their duty as a councillor but not otherwise, inspect any document which has been considered by a Committee or by the Town Council. The Proper Officer or Solicitor to the Town 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 Town Council during office hours.

Dispensations

14.12. The Town 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 Town Council's Code of Conduct. It is attached to these Standing Orders as an Appendix One.

14.13. The Guide shall apply to all meetings of the Town Council, its Committees and Sub-Committees.

14.14. 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.

14.15. A decision as to whether to grant a dispensation shall be made by meeting of the Town Council, or Committee or Sub Committee for which the dispensation is required that decision is final.

14.16. A dispensation request shall confirm:

- 14.16.1. the description and the nature of the disclosable pecuniary interest of other interest to which the request for the dispensation relates;
- 14.16.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- 14.16.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- 14.16.4. an explanation as to why the dispensation is sought.

14.17. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

14.18. A dispensation may be granted in accordance with Standing Order 14.1 above if having regard to all relevant circumstances the following applies:

- 14.18.1. **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**
- 14.18.2. **granting the dispensation is in the interests of persons living in the Town Council's area or**
- 14.18.3. **it is otherwise appropriate to grant a dispensation**

Civility and Respect Pledge

14.19. At the time of signing the Declaration of Acceptance of Office Town Councillors will be asked to sign the Civility and Respect Pledge to show their commitment to the pledge..

Training

14.20. All Town Councillors should undertake training Finance for Councillors within 6 months of delivery of their Declaration of Acceptance of Office, subject to course availability.

15. Code of Conduct Complaints

15.1. Upon notification by the Monitoring Officer of Cornwall Council that a Councillor or Non-Councillor with voting rights has breached the Town Council's Code of Conduct, the Town Council shall consider any recommendations and what, if any, action to take against them. Such action excludes disqualification or suspension from Office.

15.2. What, if any, action to take against them shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.

16. Proper Officer

16.1. The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) nominated by the Town Council to undertake the work of the Proper Officer when the Proper Officer is absent.

16.2. The Proper Officer shall put in place arrangements to:

16.2.1. at least three clear days before a meeting of the Town Council, committee or 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;**
- 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 Town Council convened by Councillors is signed by them);**

See standing order 3.2 above for the meaning of clear days for a meeting of a Full Council and standing order 3.3 for the meaning of clear days for a meeting of a Committee;

16.2.2. Subject to standing order 10 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least five days before the meeting confirming their withdrawal of it;

16.2.3. convene a meeting of full Town Council for the election of a new Chairman of the Town Council, occasioned by a casual vacancy in their office;

16.2.4. facilitate inspection of the minute book by local government electors;

16.2.5. receive and retain copies of byelaws made by other local authorities.

16.2.6. retain acceptance of office forms from Councillors;

16.2.7. retain a copy of every Councillor's register of interests;

16.2.8. prepare and make available all agendas and minutes in line with the provisions of these Standing Orders;

16.2.9. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Town Council's policies and procedures relating to the same;

16.2.10. liaise, as appropriate, with the Council's Data Protection Officer;

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

16.2.12. 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 (e.g. the Limitation Act 1980);

16.2.13. arrange for legal deeds to be executed; (See also standing order 24 below);

16.2.14. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Town Council in accordance with the Town Council's financial regulations;

- 16.2.15. refer a planning and or a licensing application received by the Town Council to the Chairman of the Town Council 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 Town Council or Planning and Licensing Committee;
- 16.2.16. manage access to information about the Town Council via the publication scheme; and
- 16.2.17. retain custody of the seal of the Town Council which shall not be used without a resolution to that effect. (See also standing order 24 below).

17. Responsible Financial Officer

- 17.1. The Council shall appoint a Responsible Financial Officer for the proper administration of its financial affairs in accordance with Section 151 of the Local Government Act 1972.

18. Accounts and Accounting Statement

- 18.1. **“Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.**

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

- 18.3. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- 18.3.1. the Council’s receipts and payments (or income and expenditure) for each quarter;

- 18.3.2. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;

18.3.3. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

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

18.4.1. 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

18.4.2. 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.

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 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30th June.

19. Financial controls and procurement

19.1. 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:

19.1.1. the keeping of accounting records and systems of internal controls;

19.1.2. the assessment and management of financial risks faced by the Council;

19.1.3. 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;

19.1.4. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and

19.1.5. whether contracts with an estimated value below **£30,000** due to special circumstances are exempt from a tendering process or procurement exercise.

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

19.3. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 but less than the relevant thresholds referred to in standing order 19.6 is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**

19.4. 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:

19.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;

19.4.2. 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;

19.4.3. the invitation to tender shall be advertised on Contracts Finder, notice boards, social media and in any other manner that is appropriate;

19.4.4. tenders are to be submitted in writing in a sealed marked envelope or by email to tenders@saltash.gov.uk addressed to the Proper Officer;

19.4.5. 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;

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

19.4.7. Details of the successful tender shall be reported and advertised as required by law.

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

19.6. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

20. Handling staff matters

20.1. 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.

20.2. The Council shall engage, and be cognisant of the advice of, its external HR consultants.

20.3. Subject to the Town Council's policy regarding absences from work, the Proper Officer shall notify the Chairman of the Personnel Committee or if they are not available, the Vice Chairman of the committee of absence occasioned by illness or other reason and that person shall report such absence to Personnel Committee at its next meeting if appropriate.

20.4. The Chairman of the Town Council and Chairman of the Personnel Committee shall conduct annual appraisal of the work of Proper Officer. The Proper Officer shall conduct annual appraisal of the work of the Senior Management Team. Also, other posts that report directly to the Proper Officer. The Senior Management Team shall conduct annual appraisal of the work of those members of staff that report to them.

20.5. Subject to the Town Council's policy regarding the handling of grievance matters, the Proper Officer shall advise the Chairman of the Personnel Committee or in their absence, the Vice 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.

20.6. Subject to the Town 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 Chairman or Vice 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.

20.7. 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.

20.8. The Town 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.

20.9. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 20.7 and 20.8 if so justified.

20.10. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20.7 and 20.8 above shall be provided only to the Proper Officer and the Chairman of the Personnel Committee on request of the Proper Officer.

21. Responsibilities to provide information

(See also standing order 22)

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

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

22. Responsibilities under Data Protection Legislation

(See also standing order 12. This is not an exhaustive list.)

- 22.1. The Town Council may appoint a Data Protection Officer.
- 22.2. **The Town Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- 22.3. **The Town Council shall have a written policy in place responding to and managing a personal data breach.**
- 22.4. **The Town 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.**
- 22.5. **The Town Council shall ensure that information communicated in its privacy notice (s) is in an easily accessible and available form and kept up-to-date.**
- 22.6. **The Town Council shall maintain a written record of the processing activities.**

23. Relations with the press/media

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

24. Execution and sealing of legal deeds

(See also standing order 16.2.13 and 16.2.17 above.)

- 24.1. A legal deed shall not be executed on behalf of the Town Council unless authorised by a resolution.
- 24.2. Subject to standing order 24.1 as above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of a witness.

25. Communicating with Unitary Authority Councillors

- 25.1. An invitation to attend a meeting of the Town Council shall be sent, together with the agenda and relevant papers, to the Saltash division Councillors of the Cornwall Council with a request that they provide a report.
- 25.2. Unless the Town Council determines otherwise, a copy of relevant correspondence sent to Cornwall Council shall be sent to the Saltash division Councillors representing the area.
- 25.3. At the Chairman's discretion and in addition to 25.1 with the approval of the Town Council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

26. Restrictions on Councillor Activities

- 26.1. Unless authorised by a resolution, no Councillor shall:
 - 26.1.1. inspect any land and/or premises which the Town Council has a right or duty to inspect; or
 - 26.1.2. issue orders, instructions or directions, it is unlawful for Members to instruct members of staff. All requests for tasks to be undertaken must be submitted through the Line Managers;
 - 26.1.3. issue any order respecting any works which are being carried out by or on behalf of the Town Council;
 - 26.1.4. incur any expenditure on behalf of the Town Council or issue an instruction to incur expenditure.

27. Standing Orders Generally

- 27.1. 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.
- 27.2. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least five

Councillors to be given to the Proper Officer in accordance with standing order 10 above.

- 27.3. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after they have delivered their acceptance of office form.
- 27.4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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1.1. A Guide to Awarding Dispensations



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.

Please note: If a parish councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under 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 (i.e.. 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 (i.e. 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:

"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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1.2. Code of Conduct for Members Cornwall Council

Code of Conduct for Members and Co-opted Members of Local Councils

General principles of public life

The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members that is consistent with the following principles:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned. The public nature of a Member's role means the distinction between acting in your official capacity and your private life may become blurred and a Member's honesty and integrity may therefore be questioned.

As a result, a Member must ensure that, as far as possible, there is clear separation between what they do in their private life and in their capacity as a Member. This is especially the case when a Member's activity in their private life relates to the functions of the Council and/or their corporate responsibilities as a Member such that a reasonable member of the public may perceive that the conduct comes within the scope of this Code of Conduct.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Leadership – Members should promote and support these principles by leadership and, by example, and should act in a way that secures or preserves public confidence.

Cornwall Council also expects its Members to observe the following principles:

Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Whilst these overriding principles are not formally part of the Code of Conduct, they underpin the purpose and provisions of the Code of Conduct and are principles in accordance with which Members should conduct themselves.

1.3. Introduction and Interpretation

1. This Code of Conduct has been adopted by Cornwall Council to support its duty to promote and maintain high standards of conduct by Members of the Council as required by the Localism Act 2011. The Standards Committee assumes ownership of the Code on behalf of the Council and also monitors the operation of the Code in conjunction with the Monitoring Officer.

2. In this Code:

“disclosable pecuniary interest” means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member’s spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest as found on page 11 of this Code

“dispensation” means a dispensation granted by the Standards Committee of the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

“interest” means any disclosable pecuniary interest or any disclosable non-registerable interest where the context permits

“meeting” means any meeting of the Council, the Cabinet and any of the Council’s or the Cabinet’s committees, sub-committees, joint committees, joint sub-committees, area committees or working groups

“Member” includes an Elected Member and a Co-opted Member

“non-registerable interest” mean an interest as defined in Part 5B of this Code as found on page 13 of this Code

“register” means the register of disclosable pecuniary interests maintained by the Monitoring Officer of the Council

“sensitive interest” means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could

lead to the Member, or a person connected with the Member, being subject to violence or intimidation

“trade union” means a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

1.4. This Code is arranged as follows:

- Part 1 Application of the Code of Conduct
- Part 2 General obligations
- Part 3 Registering and declaring interests
- Part 4 Sensitive interests
- Part 5A Pecuniary interests
- Part 5B Non-registerable interests.

Part 1 – Application of the Code of Conduct

- 1.1 This Code applies to you as a Member of the Council.
- 1.2. This Code should be read together with the preceding general principles of public life.
- 1.3. It is your responsibility to comply with the provisions of this Code.
- 1.4 Subject to paragraphs 1.5 and 1.6 of this Code, you must comply with this Code whenever you:
 - (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
 - (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council or use knowledge you could only have obtained in your role as a representative of the Council and references to your official capacity are construed accordingly.
- 1.5 Where you act as a representative of the Council:
 - (a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply

with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.

- 1.6 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the Monitoring Officer or one of his team.

Part 2 – General obligations

- 2.1 You must treat others with respect.
- 2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 You must not bully or harass any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.6 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement and you are responsible for declaring all gifts and hospitality received over the value of £50 from a single source in one year, either in the form of a single gift or as a cumulative total. You also must register any gifts or gifts or hospitality over £50 within 28 days of receiving either the gift or hospitality.
- 2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and

- (b) made in good faith; and
- (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the Monitoring Officer or his nominee.

2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.

2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

2.11 You must not use or attempt to use your position as a Member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.

2.12 You must when using or authorising the use by others of the resources of the Council:

- (i) have the prior formal permission of the Council;
- (ii) act in accordance with the reasonable requirements of the Council;
- (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (iv) have regard to any statutory or other requirements relating to local authority publicity.

2.13 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.

2.14 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Proper Officer, RFO or Monitoring Officer.

2.16 You must comply with the requirements of the Monitoring Officer in assisting with any assessment or investigation relating to an alleged breach of the Code of Conduct and comply with any sanction that is imposed upon you for

breaching the Code of Conduct.

2.17 You must complete Code of Conduct training within 6 months of taking office and then must attend refresher training every 2 years if practicable or as required by the Monitoring Officer. This training can be held virtually.

Part 3 – Registering and declaring interests and withdrawal from meetings

3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.

3.2 Within 28 days of becoming a Member you must notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have and your membership of any trade union(s) at the time of giving the notification.

3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.2 of this Code to the extent that your disclosable pecuniary interests and your trade union membership(s) are not already entered on the register at the time the notification is given.

3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.

3.5 If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

- (i) not participate, or participate further, in any discussions of the matter at the meeting;
- (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
- (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.

3.5A Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop, address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).

3.6 If a disclosable pecuniary interest or any membership of a trade union to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.

3.7 Where you are able to discharge a function of the Council acting alone and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership(s) in a matter being dealt with, or to be dealt with, by you in the course of discharging that function you must :

- (i) not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you); and
- (ii) if the interest is a disclosable pecuniary interest or membership of a trade union, notify the Monitoring Officer of that interest within 28 days of becoming aware of the interest if the interest is not entered in the register and has not already been notified to the Monitoring Officer.

3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest or trade union membership, or change to any disclosable pecuniary interest or trade union membership already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.

3.9 All notifications of disclosable pecuniary interests and trade union

membership to the Monitoring Officer, excepting those made verbally at meetings, must be made in writing.

- 3.10 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

Part 4 – Sensitive interests

- 4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests shall not be included in any published version of the register.
- 4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

Part 5A – Disclosable Pecuniary Interests

In this Part of the Code the expressions in the middle column have the meanings attributed to them in the right hand column

(a)(i)	“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
(a)(ii)	“director”	includes a member of the committee of management of an industrial and provident society
(a)(iii)	“land”	includes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
(a)(iv)	“relevant authority”	means the authority of which you are a member
(a)(v)	“relevant person”	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
(a)(vi)	“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

The following table sets out the disclosable pecuniary interests that have been prescribed by the Secretary of State for the purposes of the Code of Conduct and the Localism Act, 2011.

Interest	Description
(b)(i) Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
(b)(ii) Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards the election expenses of you. This includes any payment or financial benefit from a trade union(as defined above)
(b)(iii) Contracts	Any contract which is made between the relevant person (or a body which in which the relevant person has a beneficial interest) and the relevant authority under which goods and services are to be provided or works are to be executed and which has not been fully discharged
(b)(iv) Land	Any beneficial interest in land which is within the area of the relevant authority
(b)(v) Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
(b)(vi) Corporate tenancies	Any tenancy where, to your knowledge, the landlord is the relevant authority and the tenant

		is a body in which the relevant person has a beneficial interest
(b)(vii)	Securities	Any beneficial interest in securities of any body where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body, or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

Part 5B – Non-registerable interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

- (i) might reasonably be regarded as affecting the financial position or wellbeing of you; a member of your family or any person with whom you have a close association; or anybody or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in your electoral division or area; and
- (ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest;

save that business relating to the following functions will not give rise to non-registerable interests:

- (iii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iv) statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- (v) an allowance, payment or indemnity given to Members;
- (vi) any ceremonial honour given to Members; and
- (vii) setting of the council tax

and for the avoidance of doubt the above exceptions to the definition of non-registerable interests do not negate the requirements arising from having a disclosable pecuniary interest.