

# Standing Orders

RESPONSIBLE COMMITTEE: P&F

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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](mailto:enquiries@saltash.gov.uk) or sent to The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX. Please provide your full name and address and indicate if you will be present at the meeting.
- 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 6 (six) 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.

3.27. All external and internal reports intended for inclusion on a Town Council agenda must be submitted to the Town Clerk no later than three clear working days prior to the publication and circulation of the agenda. This deadline allows adequate time for review, revision, and clarification by officers and Councillors to allow sufficient time for reflection and formed decisions at the relevant Town Council meeting.

3.28. Where time permits, the Town Clerk may consider reports submitted after the publication of the agenda. However, the Town Council cannot guarantee that such reports will be included or received at the meeting. This could lead to deferral of items.

#### **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 – written ballot. (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 – written ballot. (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. Notification by Cornwall Council Standards Committee of any complaint shall remain confidential to the Proper Officer of the Town Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full Town Council.

15.2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman and Deputy Chairman of the Town Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer in relation to the complaint and set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.

15.3. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

15.4. The Town Council may:

15.4.1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;

15.4.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

15.5. 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.

**15.6. 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 and 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 30<sup>th</sup> 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](mailto: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.

## 28. Appendix

1. A Guide to Awarding Dispensations ..... **Error! Bookmark not defined.**
2. Code of Conduct for Members ..... **Error! Bookmark not defined.**
3. Complaints and Customer Behaviour ..... **Error! Bookmark not defined.**
  - 1.1. Code of Practice for Handling Complaints..... **Error! Bookmark not defined.**
  - 1.2. Unreasonable Customer Behaviour and Persistent Complaints Policy **Error! Bookmark not defined.**
  - 1.3. Zero Tolerance Policy ..... **Error! Bookmark not defined.**
4. Receiving public questions, representations and evidence at meetings .....**Error! Bookmark not defined.**
5. Finance Regulations ..... **Error! Bookmark not defined.**
6. Scheme of delegation ..... **Error! Bookmark not defined.**
7. Committee Structure ..... **Error! Bookmark not defined.**
8. Terms of Reference Committees and Subcommittees .....**Error! Bookmark not defined.**

## 1. A Guide to Awarding Dispensations



# CORNWALL ASSOCIATION OF LOCAL COUNCILS

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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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## **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.

## 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

3. 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 Counciland 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.

### **3. Complaints and Unreasonable Customer Behaviour**

## 1.1. Code of Practice for Handling Complaints

### 1. Introduction

Saltash Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Town Council, or are unhappy about an action or lack of action by this Town Council, this Complaints Procedure sets out how you may complain to the Town Council and how we will try to resolve your complaint.

### 2. Scope

This complaints procedure applies to complaints from Saltash Town Councillors, Cornwall Councillors, residents and the general public about the Town Council administration and procedures and may include complaints about how the Town Council employees have dealt with your concerns.

This procedure does NOT apply to:

- 2.1. Complaints by one Town Council employee against another Town Council employee, or between a Town Council employee and the Town Council as the Corporate Employer. These matters are dealt with by the Town Clerk and or the HR advisers.
- 2.2. Complaints against Councillors are covered by the Code of Conduct for Members. Town Councillors signed up to the Code of Conduct on taking office which adheres to the principles of public life. It is beyond the Town Council's legal powers to investigate complaints against any of its Members.

Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer at Cornwall Council:

Mr S Mansell

Cornwall Council

Treyew Road

TRURO

Cornwall

[simon.mansell@cornwall.gov.uk](mailto:simon.mansell@cornwall.gov.uk)

### **3. Complaints Procedure**

(see section 4 for contact addresses and numbers)

#### **3.1. Town Council Procedures and or administration**

If your complaint is about the Town Council procedures and or administration, please submit your complaint in person, by phone, or by writing to or emailing the Town Clerk.

Wherever possible, the Town Clerk will try to resolve your complaint immediately. If this is not possible, the Town Clerk will normally try to acknowledge your complaint within 10 working days subject to annual leave.

Depending on the type of complaint received the Town Clerk may delegate your complaint to a member of the Town Council Management Team to try to resolve the matter immediately, in line with the Code of Practice for Handling Complaints.

If you do not wish to report your complaint to the Town Clerk, you can make your complaint directly to the Chairman of the Town Council who, with a Member of the Town Council (as appropriate to the complaint), will try to resolve your complaint within 10 working days.

If this is not possible, the Chairman of the Town Council together with the appointed Member will report it to the Town Council or appropriate Town Council Committee, subject to the complaint acting in accordance with the legal powers of the Town Council – Town Clerk to advise accordingly.

The Town Clerk or the Chairman of the Town Council with a member of the Town Council (as appropriate to the complaint) will investigate the complaint, obtaining further information as necessary from you and or from Town Council employees, Councillors of the Town Council or any other relevant person(s).

The Town Clerk or the Chairman of the Town Council will notify you within 20 working days of the outcome of your complaint and of what actions (if any) the Town Council proposes to take as a result of your complaint. In exceptional cases, the 20 working days timescale may have to be extended. If it is, you will be kept informed.

If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Town Council. You will be notified in writing of the final decision of the review of your original complaint.

### 3.2 Town Council Employees

This section of the policy applies to everyone except a Town Council employee.

If you have a complaint about a Town Council employee, please submit your complaint in person, by phone, or by writing to or emailing the Town Clerk.

Wherever possible, the Town Clerk will try to resolve your complaint immediately. The Town Clerk may contact the HR advisers for guidance.

Due to the nature of the complaint under employment law and GDPR, the Town Clerk will notify you, where possible, of the outcome of your complaint.

### 3.3 The Town Clerk/Responsible Finance Officer (RFO)

This section of the policy applies to everyone except a Town Council employee.

If you have a complaint about the Town Clerk/RFO, please submit your complaint in person, by phone, or by writing to or emailing the Chairman of the Town Council.

Wherever possible, the Chairman of the Town Council will try to resolve your complaint immediately. The Chairman of the Town Council will seek advice from the HR advisers for guidance.

Due to the nature of the complaint under employment law and GDPR, the Chairman will notify you, where possible, of the outcome of your complaint.

#### 3.4. Timeframe

All complaints might take longer due to a number of reasons i.e. annual leave, sickness absence, work commitments etc therefore the targets including 'immediately' are targets subject to availability at the time of receiving your complaint.

Complaints that relate to Health and Safety matters will be escalated.

#### **4. Contact Details**

Town Clerk  
Saltash Town Council  
The Guildhall  
12 Lower Fore Street  
Saltash  
PL12 6JX

Telephone: 01752 844846 option 5

Email: [townclerk@saltash.gov.uk](mailto:townclerk@saltash.gov.uk)

Chairman of the Town Council

Same address and contact number as above.

Email the [mayorssecretary@saltash.gov.uk](mailto:mayorssecretary@saltash.gov.uk) to request the Chairman's direct email address or visit [www.saltash.gov.uk/mayoral.php](http://www.saltash.gov.uk/mayoral.php)

## 1.2. **Unreasonable Customer Behaviour and Persistent Complaints Policy**

### 1. **Purpose of the policy**

The aim of this policy is to help customers and staff to understand how Saltash Town Council manages unreasonably persistent and unreasonable behaviour by customers. It gives clear guidance as to the definition of unreasonable behaviour and explains what actions staff should take when presented with such behaviour or unreasonable requests. This Policy has been based on guidance issued by the Local Government and Social Care Ombudsman and the Information Commissioner's Office (ICO) and relates to unreasonably persistent written and verbal communication with the Town Council. This policy is not a replacement for the Zero Tolerance Policy.

### 2. **Summary**

Dealing with correspondence from customers, a complaint or information requests is usually a straightforward process. However, in a minority of cases, people pursue correspondence in a way that can impede the investigation of their complaint or can have significant resource implications for the Town Council. This policy has been formulated to deal with the small number of customers who make it necessary for special arrangements to be made. It should be noted that there are differences between Freedom of Information (FOI) and non-FOI related cases although the general principles below apply to both instances.

FOI references also apply to Environmental Information Regulation (EIR) requests which may relate to the environment, land or property. These will be dealt with under the guidance issued by the ICO.

Requests for personal information may fall under the UK General Data Protection Regulation (UK GDPR). These will be dealt with under guidance issued by the ICO.

We aim to deal with any correspondence or complaints in a way that is open, fair and transparent. Complaints and requests for information will be dealt with impartially and proportionately. We have developed this policy so that people who complain

and the staff who manage those complaints understand what to do if people start to behave unreasonably.

**IT SHOULD BE NOTED** – This policy only deals with the conduct of the customer, not the substance of the complaint or concerns raised. The adopted procedures relating to the processing of complaints should be followed regardless of whether this policy is engaged, unless it is considered there are reasons for not doing so. If this is the case the customer should be advised of this at the earliest opportunity and if appropriate provided with an alternative route where possible to remedy their complaint to remedy their complaint where possible.

### 3. **Background**

We do not normally limit the contact people have with us. Whether they are complaining, making a request for service, an information request or seeking help and guidance, we are committed to dealing with all requests fairly and impartially and to providing a high quality of service. We are keen to resolve any dispute and/or complaint as early as possible.

Occasionally, the behaviour of some customers can make it very difficult for us to deal with their concerns. In a small number of cases the actions of some customers become unacceptable because they involve abuse of processes, or violence and aggression to staff or other people, including Town Councillors. When this happens, we have a responsibility to our staff and Councillors to take appropriate steps to limit the customers contact with the Town Council. On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others. Such actions can occur while either the complaint is being investigated, or once we have completed the investigation.

We understand that people sometimes feel frustrated about matters, but we will not tolerate behaviour which we deem to be unacceptable, threatening, abusive or unreasonably persistent towards staff or Councillors or imposes such a burden on the Town Council that is an unreasonable drain on our resources.

### 4. **Scope**

We define unreasonably persistent and unreasonable customers (referred to as Vexatious or Manifestly Unreasonable under FOI/EIR) and Manifestly Unfounded

under UK GDPR, as those customers, who because of the frequency or nature of their contacts with us hinder our consideration of their or other people's issues or complaints.

These are generally covered under two key areas:

- customers who feel that the Town Council has not dealt with their issue, complaint or information request properly and are not prepared to leave it there; and
- customers who may have a justified dispute, complaint, information request or grievance, but these are either being pursued in inappropriate ways, or customers may be intent on pursuing the issue which appears to have no substance, or which may have already been investigated and determined. Their contacts with the Town Council may be amicable but still place very heavy demands on employee time, or they may be very emotionally charged and distressing for all involved.

Sometimes a situation between the Town Council and a customer can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is totally unacceptable.

Any decision resulting from the implication of the policy normally applies to the nature of the dispute, complaint or subject matter and not to the customer themselves. However, it is very likely that the customer's previous behaviour will have some bearing on how to proceed with unrelated future correspondence or contact with the Town Council, particularly where there has been an element of extreme behaviour or verbal abuse.

## **5. Unreasonable Complainant Conduct**

**We will not** tolerate racist, sexist, homophobic or other discriminatory language, or offensive, threatening, aggressive or violent behaviour towards our staff or Councillors.

If you use such language or behaviour, we will ask you to stop doing so in order to protect the wellbeing of our staff or Councillors. In exceptional circumstances we

may immediately restrict your access to our services without prior warning. We will then write to you and explain the action we have taken.

If your use of language is because of a medical condition, we will discuss with you any reasonable adjustments we need to make to how we work with you. However, some language and behaviour is always unacceptable and we will always draw your attention to this and take appropriate action.

Where your behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give you prior warning.

#### **6. Examples of unreasonable behaviour/actions?**

The following is a list of some actions and behaviours which may be deemed as unreasonable, unreasonably persistent, (or vexatious/manifestly unreasonable under FOI/EIR). This list is by no means exhaustive and is designed to give an indication of the type of behaviour that is considered to be unreasonably persistent. For further advice, please contact the Town Clerk.

- Refusing to specify the grounds of a dispute and/or complaint, despite offers of assistance from Town Council employees;
- Refusing to co-operate with the complaints investigation process (Complaint Handling Procedure) while still wishing their complaint to be resolved;
- Refusing to accept that certain issues are not within the scope of the Town Council's complaints procedure despite having been provided with information about the scope of the Complaint Handling Procedure;
- Insisting on the dispute and/or complaint being dealt with in ways which are incompatible with the Town Council's adopted complaints procedure (Complaint Handling Procedure) or with good practice;
- Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced or harbouring personal grudges;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements made at an earlier stage;

- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed and unimportant questions and insisting they are all fully answered;
- Covertly recording meetings and conversations without the prior knowledge and consent of other persons involved;
- Submitting falsified documents from themselves or others;
- Adopting a 'scattergun' approach: pursuing parallel disputes and/or complaint(s) on the same issue with a variety of officers, Members, departments or services;
- Making unnecessarily excessive demands on the time and resources of employees whilst a dispute and/or complaint is being looked into. Making excessive telephone calls or sending emails to numerous Town Council officers or Members, writing lengthy complex letters every few days and expecting an immediate response;
- Submitting repeat complaints or information requests (after the complaints/FOI process has been completed) essentially about the same issue(s), with minor additions/variations which the customer insists make these a 'new' dispute and/or complaint;
- Being abusive or using aggressive language;
- Rejecting attempts by the Town Council to assist and advise and showing no willingness to engage with Town Council officers;
- Explicitly stating that it is their intention to cause disruption to the Town Council;
- Refusing to accept the decision; repeatedly arguing points with no new evidence;
- Using other family members, associates or membership of a group or body to attempt to re-open a complaint already pursued by a complainant or to try to further requests or complaints already pursued ; or

- Frequently using public questions at a meeting of the Town Council or a Committee to pursue a complaint or information request(s):
- Combinations of some or all of the above or other actions that are judged to be unreasonable.

The following sections set out the procedures in relation to non-FOI and FOI cases

### **For non-FOI related cases (sections 7 – 10)**

The following sections cover non-FOI related issues such as complaints or wider Town Council contact/disputes.

#### **7. What actions can be taken to stop or limit the behaviour?**

The actions we take will depend upon the nature and extent of the behaviour(s). Any action taken should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Town Council. If their persistence adversely affects the Town Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Town Council's ability to provide a service to another, the Town Council may need to address their behaviour.

When an officer reports a customer demonstrating unreasonable behaviour, the Town Clerk, in conjunction with the Chairman and Vice- Chairman of the Policy and Finance Committee and taking advice from the Monitoring Officer, will review the case within seven working days. A letter may be sent to the customer explaining that their conduct is becoming a concern. The letter will request that the behaviour exhibited is moderated and will suggest, where appropriate, who the customer should contact within the Town Council over their concerns. The letter will also advise what further actions may be taken if the request is ignored and a copy of this policy included. The customer will be asked to acknowledge the letter within seven working days.

Where the customer acknowledges the initial warning letter, the Town Clerk or their nominated representative will monitor the situation to ensure the behaviour has been moderated.

If the customer does not acknowledge the letter within seven working days there are two further stages which must be followed for a customer to be made unreasonably

persistent or their unreasonable behaviour recognised as such. The Town Council may choose to appoint an external body to act on their behalf to provide this service.

### **Stage One (Formal prior warning)**

If customer ignores the initial letter and is deemed to be unreasonably persistent or demonstrating unreasonable behaviour, the Town Clerk or their nominated representative will issue a formal prior warning letter, including the following points:

- An explanation of why the customer's behaviour is deemed unacceptable;
- An offer of a meeting, if deemed appropriate by the Town Council, with an officer from the Town Council or their nominated representative to try and resolve the dispute / complaint / issue and explain to the customer why their behaviour is unacceptable;
- Advising of a single point of contact for any further correspondence;
- A statement of future intent to apply restrictive action to the customer's contact should their behaviour continue;
- Referencing and including a copy of the Unreasonable Customer Behaviour and Persistent Complaints policy.

Any arrangements for limiting a customer's contact must take account of the customer's individual circumstances however, such actions may include blocking a customer's email address denying the customer the ability to email the Town Council, officers and Members and/or refusing to take telephone calls from the customer.

Should such action be necessary the customer's name will be added to the Town Councils register as having been sent a formal prior warning letter and a report will be submitted to the next available meeting of the Policy and Finance Committee or the next Full Town Council meeting if earlier and the Town Clerk feels the matter is of sufficient urgency. In either case the report will be received in confidential part two of the meeting.

## **Stage Two (Full implementation of the policy)**

- Full implementation of the policy will be undertaken by the Town Clerk, or their nominated representative, in liaison with the Policy and Finance Committee;
- Before the policy can be fully implemented, the Town Clerk, or their nominated representative, must be satisfied that the customer is behaving in an unreasonable or persistent manner (as per the policy), that the complaint / issue / dispute has been dealt with properly and in accordance with the Complaint Handling Procedure and stage 1, a formal prior warning letter has been sent to the customer as outlined above;
- Once satisfied, the Town Clerk, or their nominated representative will take a report (factual and unbiased) to the Policy and Finance Committee detailing a history of the dispute / complaint, the reasons why the customer's behaviour is felt to be unreasonable or persistently unreasonable, a log of contact with the customer (to include dates, times and nature of contact) and any other related information which is of relevance. The role of the Policy and Finance Committee is to consider if the customer's contact with the Town Council is unreasonably persistent, it will not examine the complaint overall.
- Once completed, the report and recommendations from the Policy and Finance Committee will be passed to the Town Clerk who will check the report prior to it being submitted to the next available meeting of the Town Council for consideration;
- If the Town Council takes the decision to make the customer unreasonably persistent and apply restricted access, the Town Clerk or their nominated representative will write to the customer with a copy of the Unreasonable Customer Behaviour and Persistent Complaints Policy explaining:
  - why the decision has been taken;
  - what it means for their contacts with the Town Council;
  - how long any restrictions will last; and
  - what the customer can do to have the decision reviewed.

- Should a customer who has been declared unreasonably persistent raise new issues or complaints, these will be reviewed on their own merits and consideration given to any restrictions on the customer which have previously been applied before the new issues are processed.
- The customer will be added to the Town Council's register as being declared by the Town Council as a persistent complainant, also ensuring relevant officers/Councillors are made aware.

#### **8. What happens if a customer continues to contact the Town Council?**

The Town Council will appoint a named officer or representative to deal with and review any future correspondence or contact from the customer. When reviewing any future correspondence, the officer should consider whether this relates to an existing issue or whether it is a new concern.

Where a customer continues to contact us about an existing issue to which this policy has been applied but provides no further new evidence to support their complaint, no further action will be taken on the issue. A letter will be sent to the complainant advising of this and then no further correspondence will be entered into.

If a customer raises a new complaint or provides further new evidence to support their existing complaint, the Town Clerk or their nominated representative will make a decision as to how this will be dealt with and whether any existing restrictions (as per this policy) are still appropriate;

If a customer's behaviour becomes abusive or threatening, we may take the decision to inform the police.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, advocate, or simply to submit the same or identical complaints on their behalf.

Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

Should a customer seek to circumvent this policy by contacting their local MP or Town Councillor whilst we will engage with the MP or Town Councillor, we will ask

that they assist us in maintaining the customer's status, subject to their own investigations into the matter.

Further, should a customer to whom the Policy has been applied, continue to email, write in or telephone, officers and Members have the right to not reply or respond to this communication without this being considered as a breach of the Code of Conduct for Members.

#### 9. **How does the Town Council review the decision?**

Where restrictions (in line with this policy) have been applied to a customer, they will normally be in place for **twelve months** but will be subject to a review at **six months** by the Town Clerk or their nominated representative, reporting to the next available Policy and Finance Committee meeting. The customer will be advised of the review and outcome in writing.

At the end of the designated period of restrictions (normally **twelve months**), the Town Clerk or their nominated representative will review the case, reporting to the Policy and Finance Committee.

Where the review finds no grounds for continuing restrictions these should be lifted and relationships restored to normal.

Where it is recommended that restrictions are to continue beyond **twelve months**, the report should be evidence based and with good grounds for the extension. The report will be submitted to the next available meeting of the Town Council to approve and reappoint representatives to act for the Town Council in this case.

The Town Clerk (or their nominated representative) will write to the customer to advise them of the outcome of the review by the Policy and Finance Committee. Where any restrictions are to continue, the customer will be notified of this alongside an explanation of why and when the next review is scheduled to take place (normally **six months**).

#### 10. **Confidentiality, legal requirements and non-compliance**

- All personal data provided to the Town Council will be processed in accordance with UK GDPR and the Data Protection Act 2018;

## **For FOI/EIR related cases (sections 12-18)**

The following sections cover FOI cases where it is deemed that a request is Vexatious under Section 14(1) of the Freedom of Information Act (FOIA) or Manifestly Unreasonable under regulation 12(4) b of the Environmental Information Regulations (EIRs).

Section 14(1) of the FOIA: The Town Council does not have to deal with requests that are vexatious under this section. This applies only to the request and not the requestor so there should be a careful assessment before a request is classified as vexatious. The Information Commissioner's Office (ICO) may be able to provide guidance and has set out indicators that may identify vexatious requests:

- Abusive or aggressive language is used;
- The requests are placing an undue burden on the Town Council;
- The requests form part of a personal grudge;
- The requests are unreasonably persistent;
- The requestor is intransigent;
- The requests are frequent and/or overlapping on the same issue;
- The requests are designed to cause annoyance;
- The requests require a disproportionate effort to fulfil;
- The requestor is using the information request route to pursue other complaints or grievances against the Town Council.

The application of s.14 (1) should be considered where it is believed that the request is disproportionate or unjustified.

### **11. What actions can be taken to stop or limit the behaviour?**

Where it becomes apparent that the nature of a request or string of requests is potentially making a request vexatious or manifestly unreasonable, consideration should be given to warning the requestor that if they are to submit any further requests on the same issue, it is likely that these requests will be deemed as vexatious under FOI or manifestly unreasonable under EIR. There should be an

attempt to work with the requester whilst taking account of the facts of the matter and any relevant history.

## **12. What happens if a customer continues to contact the Town Council?**

If a further request is received on the same or similar subject matter under FOI/EIR then a decision will be taken by the Town Clerk in conjunction with the responsible officer that the request is vexatious/manifestly unreasonable and the requestor will be informed of the decision, along with the reasons for the decision being taken. Only the request itself can be considered vexatious and not the individual who submitted it. Therefore, any further requests from the same requestor should be treated and assessed independently.

Where necessary, further advice should be sought from CALC or the Monitoring Officer, Cornwall Council.

Where the time (or cost) of dealing with the request is the main issue, consideration will be given to applying Section 12 of the FOIA or Regulation 12(4) (d) under the EIR where the time/cost of dealing with a request is unreasonable and consideration given to asking the requestor to narrow down or reduce the scope of the request to bring it within an appropriate time frame (18 hours under the FOIA).

Where appropriate, consideration should be given as to whether the wider Unreasonable Customer Behaviour Policy should also be invoked in addition to making a request vexatious/manifestly unreasonable.

The requestor will then be added to the Town Council's register of customers who have been made vexatious as defined by this Policy, also ensuring relevant officers/Members are made aware.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, MP, Local Member or advocate, or simply to submit the same or identical complaints on their behalf. Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

**13. What can a customer do to challenge the Town Council's decision?**

If a requestor is unhappy with the decision to make their request vexatious/manifestly unreasonable, they have the right to ask the Town Council to carry out an Internal Review. The case will then be considered by an independent senior officer who will review the case and notify the requestor of the decision. If following the Internal Review, the requestor is still unhappy, they have the right to contact the Information Commissioner's Office (ICO) who will then decide on the evidence supplied, whether to investigate the case.

**14. How does the Town Council review the decision?**

Where a request has been made vexatious or manifestly unreasonable, no further requests to similar matters raised will be considered within a 12-month timeframe. Any new request will be reviewed within this timeframe and a decision will be taken as to whether this is a new request (and dealt with as a fresh request) or falls within the subject matter made vexatious/manifestly unreasonable.

**15. Dealing with requests that are manifestly unfounded or excessive**

A request for personal information made as a Subject Access Request (SAR) under UK GDPR can be refused if it is considered manifestly unfounded or excessive.

The ICO guidance says that a request may be manifestly unfounded if:

- the individual clearly has no intention to exercise their right of access. For example an individual makes a request, but then offers to withdraw it in return for some form of benefit from the organisation; or
- the request is malicious in intent and is being used to harass an organisation with no real purposes other than to cause disruption.

For example:

- the individual has explicitly stated, in the request itself or in other communications, that they intend to cause disruption;
- the request makes unsubstantiated accusations against you or specific employees;

- the individual is targeting a particular employee against whom they have some personal grudge; or
- the individual systematically sends different requests to you as part of a campaign, e.g. once a week, with the intention of causing disruption.

NOTE: You must consider a request in the context in which it is made, and you are responsible for demonstrating that it is manifestly unfounded.

In addition, you should not presume that a request is manifestly unfounded because the individual has previously submitted requests which have been manifestly unfounded or excessive or if it includes aggressive or abusive language.

The inclusion of the word “manifestly” means there must be an obvious or clear quality to it being unfounded. You should consider the specific situation and whether the individual genuinely wants to exercise their rights. If this is the case, it is unlikely that the request will be manifestly unfounded.

#### 16. **What does excessive mean?**

A request may be excessive if:

- it repeats the substance of previous requests and a reasonable interval has not elapsed; or
- it overlaps with other requests.

However, it depends on the particular circumstances. It will not necessarily be excessive just because the individual:

- requested a large amount of information, even if you might find the request burdensome. Instead you should consider asking them for more information to help you locate what they want to receive, please see 'Can we clarify the request?'
- wanted to receive a further copy of information they have requested previously. In this situation a controller can charge a reasonable fee for the administrative costs of providing this information again and it is unlikely that this would be an excessive request;

- made an overlapping request relating to a completely separate set of information; or
- previously submitted requests which have been manifestly unfounded or excessive.

When deciding whether a reasonable interval has elapsed you should consider:

- the nature of the data – this could include whether it is particularly sensitive;
- the purposes of the processing – these could include whether the processing is likely to cause detriment (harm) to the requester if disclosed; and
- how often the data is altered – if information is unlikely to have changed between requests, you may decide you do not need to respond to the same request twice. However, if you have deleted information since the last request you should inform the individual of this.

#### **17. Refusal to comply with a request**

Where the Town Council is refusing to comply with a request, you must inform the individual without undue delay and within one month of receipt of the request of:

- the reasons you are not taking action;
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

You should also provide this information if you request a reasonable fee or need additional information to identify the individual

#### **18. Record Keeping**

The Town Clerk will keep adequate records of the details of the case and action taken. The register will also include cases where an initial warning letter has been sent.

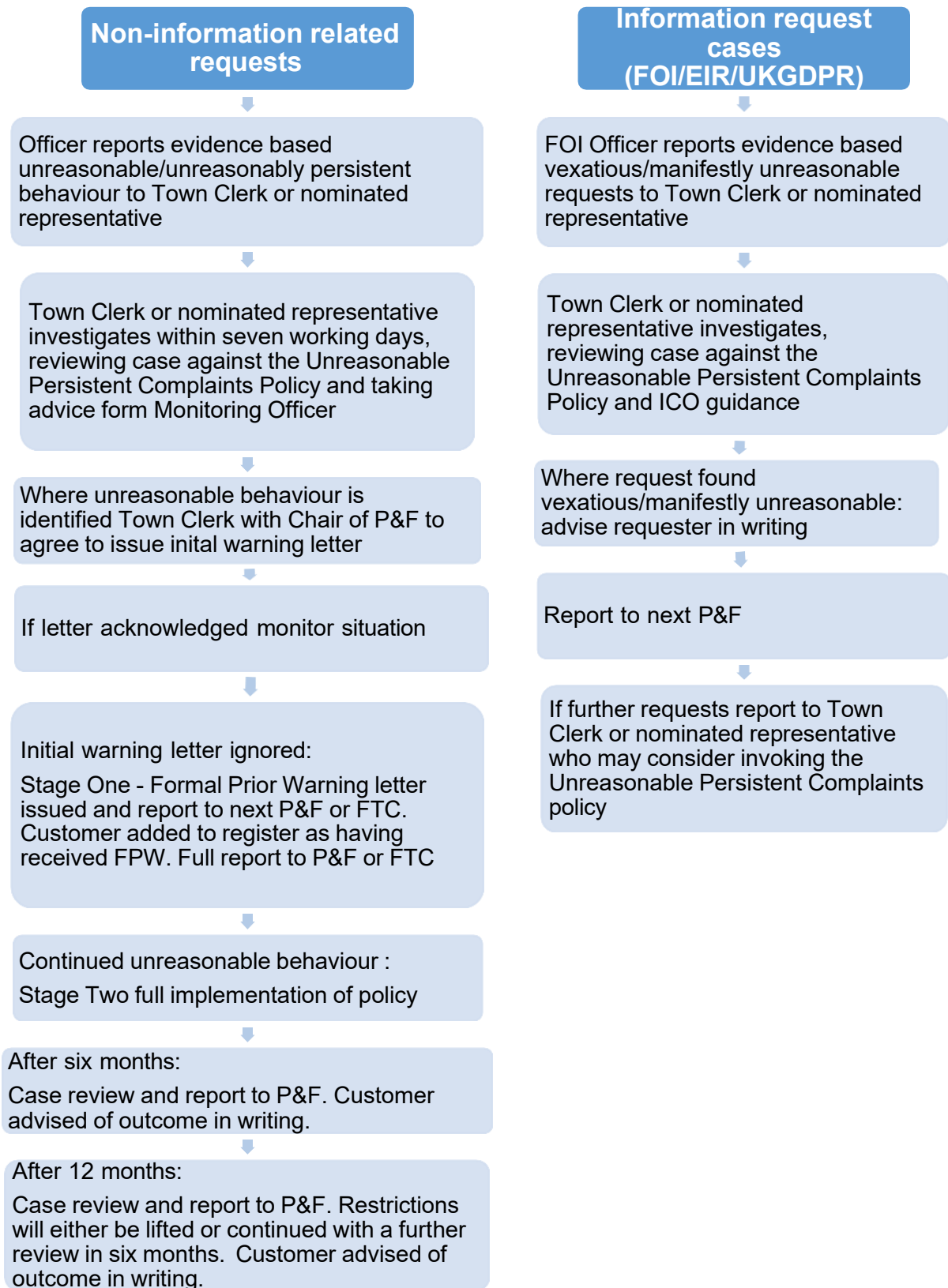
Records will be kept of:

- The name and address of each member of the public who has been identified as unreasonably persistent, vexatious or abusive and any other person who aids the complainant;
- When the restrictions came into force and end
- What the restrictions are
- When the person was advised and copies of correspondence
- Copies of all correspondence with appointed external representatives
- Dates of and copies of all reports to Town Council Committees.

Adequate records should also be kept to show:

- When a decision is taken not to apply the policy when an officer has asked for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision taken not to put a further complaint from this customer through the complaints procedure for any reason, and
- When a decision is taken not to respond to further correspondence, make sure any further letters or emails from the customer are checked to pick up any significant new information.

## Summary of procedure



### **1.3. Zero Tolerance Policy**

Saltash Town Council has introduced a zero tolerance initiative to address the issue of violence, aggression and unacceptable behaviour directed towards Town Council employees/councillors. Violence and aggression is inappropriate towards any Saltash Town Council employee/councillor is unacceptable .

#### **1. Violence and aggression at work**

- a. Violence and aggression at work is defined as any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.
- b. Physical assault is defined as the intentional application of force from one person to another, without lawful justification, resulting in physical injury, personal discomfort or damage to property.
- c. Non-physical assault is defined as the use of inappropriate words (including, but not exclusively, verbal/written/social media) or behaviour causing alarm, distress and/or constituting harassment.
- d. Persistent unacceptable behaviour is defined as referring to behaviour both within one contact and/or a number of separate contacts over an undefined period (this includes telephone contact).

#### **2. Zero tolerance**

Saltash Town Council will not accept or tolerate any violence or aggression towards its employees/councillors and any such act/behaviour towards its employees and any such act/behaviour will result in appropriate action or sanctions.

#### **3. Guidance**

For certain individuals that use the Town Council services, individual risk assessments may need to be undertaken where necessary.

#### **4. Receiving public questions, representations and evidence at meetings**

### **Receiving public questions, representations and evidence at meetings**

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). A period of fifteen minutes will be designated for public participation at a meeting and this session is recorded in the minutes of the meeting.

### **Submission of Questions, Representations and Evidence**

Questions, **representations and evidence** must be submitted in writing **no later than 12 noon the day before the meeting** either by email to [enquiries@saltash.gov.uk](mailto:enquiries@saltash.gov.uk) or sent to The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX. Please provide your full name and address and indicate if you will be present at the meeting.

No person may submit more than one question to a meeting and no more than one question may be asked on behalf of an organisation.

Any questions submitted after the deadline will be referred to the next meeting.

Anonymous questions will not be answered.

### **Order of Questions**

Questions will be taken in the order in which notice was received but the Chairman of the meeting may group together similar questions. Where the enquirer is unable to be present their question will be read out by the Town Clerk.

All questions shall be put to the Chairman and no member of the public may speak for longer than three minutes. You can only ask your question as submitted; you cannot change the question or give further information. Supplementary questions, may be allowed at the discretion of the Chairman but must relate to your original question or the reply. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman shall direct in which order this will be.

A public question shall not start a debate at the meeting.

## **Scope of Questions**

Questions must relate to a matter to which the Council has powers or duties or which affect the town of Saltash.

Questions will not be allowed on matters which have previously been determined.

The Town Clerk as the Proper Officer will reject a question if:

- It is beyond the legal powers of the Town Council.
  - The Town Clerk will inform the Chairman of the Town Council or relevant Committee of the reasons(s) why.
  - The Town Clerk will inform the person that submitted a public question of the reason(s) for rejection.
  -

The Chairman of the meeting will reject a question if it:

- Is not about a matter for which the Town Council has a responsibility or which affects the town of Saltash.
- Is defamatory, frivolous or offensive.
- Requires the disclosure of confidential information.
- Is the same, or substantially the same question as one asked in the previous six months.

## **Response to Questions**

Questions may be answered by the Chairman, Deputy Chairman, Town Councillors or the Town Clerk and will be dealt with in one of the following ways:

- A verbal response may be made at the meeting.
- The Town Clerk will be asked to respond in writing.
- The Town Council may decide to place the item on an agenda for a future meeting (or refer it to a Committee) for further consideration.
- Where the enquirer was not present at the meeting a copy of the response will be provided if made at the meeting.

## **Procedure in respect of planning applications**

Members of the public wishing to speak about a planning application should register by email **no later than 12 noon the day before the meeting** where the application will be considered.

The Chairman will introduce the application and invite speakers in the following order:

- The applicant or their agent
- Objector
- Supporter
- Ward Members

Following this, Members of the Committee may debate and will then vote on the application.

Where more than one objector/supporter has registered to speak, the first received will be permitted to speak. Where there are number of interested parties in an application, they are advised to coordinate their response and nominate a speaker.

### **Time Limits**

Each public speaker has a time limit of three minutes to make their representation. At the discretion of the Chairman and with the approval of Members, a further two minutes may be permitted where new information is available.

### **Protocol**

Members of the public should not interrupt other speakers or the Committee debate. Where Members of the Committee ask questions of a public speaker this does not entitle them to participate in the debate.

All speakers must respect the Chairman and respond to instructions accordingly.

Speakers should restrict their comments to material planning considerations only

**Please note that offensive or threatening behaviour will not be tolerated. If a member of the public interrupts the proceedings of any meeting the Town**

**Council reserves the right to curtail the contribution of that person and exclude a disorderly person or clear the public gallery.**

**What to expect on the night**

A handout available on the public gallery chairs to include the below information, that explains the process on the night:

‘Welcome to Saltash Town Council and thank you for submitting a public question, the following is guidance when asked to speak in the meeting.

All questions shall be put to the Chairman and no member of the public may speak for longer than three minutes.

Please only ask your question when directed by the Chairman. You can only ask your question as submitted; you cannot change the question or give further information.

Supplementary questions may be allowed at the discretion of the Chairman but must relate to your original question or the reply.

Any evidence or representation submitted along with the question will have been published in the report pack and as such, you can assume members will have read it.

Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman shall direct in which order this will be.

We appreciate your co-operation’.

## 5. Finance Regulations



## **6. Scheme of delegation**

## **Scheme of Delegation**

1. This scheme of delegation supersedes any extant permanent delegated authorities except where specified and voids any such delegated authorities not referred to. No future permanent delegated authority shall be valid unless referred to in this scheme.
2. None of the authorities or limitations below should be taken as preventing the exercise of duties or authority clearly laid out in the Town Clerk's job description (for example as Line Manager
3. Temporary delegations of authority to accomplish a particular task do not fall within the purview of this scheme: existing such temporary delegations stand, and further such temporary delegations may be agreed without amending this scheme.
4. This scheme shall lapse after the 1st full meeting of the Town Council following each set of Town Council Elections commencing in May 2025, unless re-approved by the Town Council with or without amendments.
5. Any reference to the Town Clerk in these documents will apply to the Assistant Town Clerk if and only if:

5.1. The Town Clerk is not reasonably contactable due to leave, illness etc.

### **AND**

5.2. The matter is of sufficient urgency that it cannot be reasonably delayed until the return of the Town Clerk.

## **Section A Financial**

The Town Clerk shall have sole delegated authority and in their absence the Assistant Town Clerk shall have sole delegated authority to:

1. Maintain and defray a petty cash float to a limit of £390 for the purpose of defraying operational and other expenses, in line with Financial Regulation 6.19a.
2. Incur expenditure on behalf of the Town Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it

must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000, in line with Financial Regulation 4.6. The Town Clerk shall report the action to the appropriate Committee Chairman and Committee as soon as practicable thereafter. Where expenditure required cannot be met from savings made elsewhere within that Committee's approved budget, it shall be subject to the provisions of a budget head approved by the Policy and Finance Committee or the Town Council.

3. Carry out the dispersal of Section 106 Money held by the Town Council, when authorised according to procedures already agreed by the Town Council.

The Town Clerk or in their absence the Assistant Town Clerk shall have delegated authority to authorise members of staff to disperse other monies with the authority of Full Council, or otherwise under the following restrictions:

4. If within budget up to **£10,000** with the approval of the appropriate Committee Chairman, or in their absence that of the Committee Vice Chairman and Chairman of the Town Council or in their absence that of the Deputy Chairman. Approval may be verbally or by email initially, with a later signature.

However, in the case of the P and F (Office) budget, no such approval will be necessary.

5. If within budget, up to £20,000 only where that item has been resolved by the relevant Committee or Sub-Committee and with the approval of the appropriate Committee Chairman or in their absence that of the Committee Vice Chairman and Chairman of the Town Council or in their absence that of the Deputy Chairman.
6. Monies over £20,000 or not within budget only where that item has been resolved by the relevant Committee or Sub-Committee with an agreed spend or maximum spend.

Items spent under d. or e. will be reported back to the following meeting of the relevant Committee or Sub-Committee.

7. The Town Clerk or in their absence the Assistant Town Clerk shall have delegated authority to authorise members of staff with the agreement of the Chairman of P and F, or in their absence that of the Vice Chairman of P and F, the Chairman or the Deputy Chairman of the Town Council, to use the Town Credit Card, where the expenditures in question are otherwise acceptable under Town Council regulations and where necessary for the efficient running of the Town Council and for best value. However, in no case may this be used for individual expenses to be reclaimed, or in excess of the credit limit agreed by Full Council.
8. The Service Delivery Manager shall have delegated authority for the procurement of the Town Council's Service Delivery Department if within budget, up to £1,000, reporting back at the Services Committee bi-monthly meetings.
9. Line Managers shall have delegated authority for the procurement of their department if within budget, up to £1,000 reporting back at the relevant committee meeting.
10. Line Managers shall have delegated authority to authorise staff training for team members up to the value of £200, reporting back to the Personnel Committee.
11. Finance Officer shall have delegated authority to transfer monies between the Instant Access Accounts to Barclays Current Account for day-to-day operations. This will be reported to Full Council within the monthly bank account receipts and payments reports.

## **Section B Personnel**

1. All matters detailed in adopted personnel policies of the Town Council shall be taken as being encompassed with this scheme of delegation. For example, but not limited to:
  - 1.1. The Town Clerk's authority to appoint staff where carried out in line with policy.
  - 1.2. Resolution of grievance and disciplinary matters.
  - 1.3. The authorisation of discretionary leave.

- 1.4. Appraisal and exit interviews etc.
- 1.5. The following functions shall be delegated to the Personnel Committee:
  - 1.5.1. The line management of the Town Clerk by the Chairman, or Vice Chairman dealing with routine issue.
  - 1.5.2. The confirmation of progression along pay scales, and successful completion of probationary periods and recommendation not to progress staff or to approve completion of probation shall be recommended to Full Council.

### **Section C Other**

1. The Town Clerk shall have sole delegated authority to:
  - 1.1. exercise overall responsibility for Health and Safety;
  - 1.2. have fly-posters removed from STC land, or from Cornwall Council land having checked that they do not have authority to be there;
  - 1.3. waive charges for Guildhall room hire;
  - 1.4. approve or reject links for display on the STC website, and items for display on the STC noticeboards;
  - 1.5. Approve the use of the town's modern logo, in accordance with the principles outlined in the relevant policy.
2. The Town Clerk or in their absence the Assistant Town Clerk shall have delegated authority in consultation with the Chairman of the Town Council, or in their absence the Deputy Chairman, to:
  - 2.1. Make any temporary arrangements necessary for the good running of the Town Council not falling under the Town Clerk's day-to-day exercise of duties, where they incur no expenditure, or the expenditure falls under the other delegated powers. These shall be reported back to the appropriate committee or Full Council as soon as possible where they may recommend that they be made permanent or halted if appropriate, or else 'noted'.
  - 2.2. Commence the election or co-option procedure for vacancies in the Town Council in accordance with legislation and Town Council procedures.

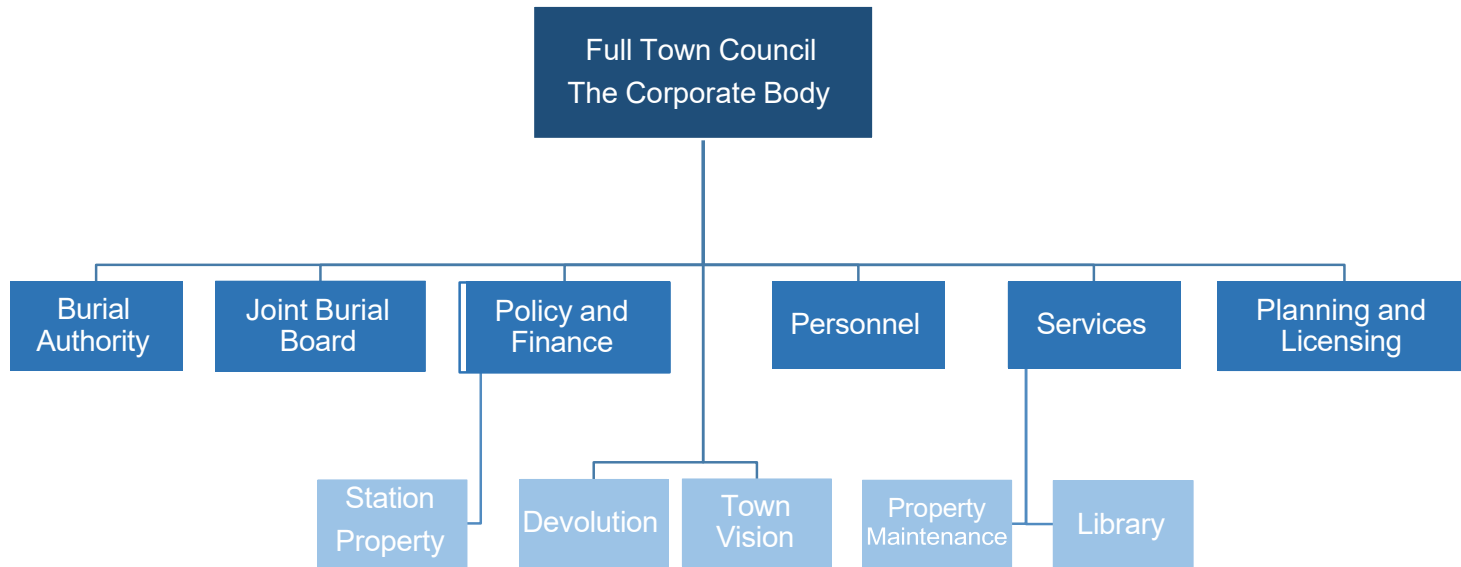
3. The Town Clerk or in their absence the Assistant Town Clerk shall have delegated authority in consultation with the Chairman of the Town Council, or in their absence the Deputy Chairman, and the Chairman of P and F, or in their absence the Vice Chairman, to
  - 3.1. Decline bookings for the Guildhall where they consider them inappropriate, or where they are for purposes that might be perceived as prejudicing the neutrality of the Town Council on future developments.
  
4. The Town Clerk or in their absence the Assistant Town Clerk shall have delegated authority with the agreement with the Chairman of the Town Council or appropriate Committee Chairman, or in their respective absence the Deputy Chairman or Committee Vice Chairman to:
  - 4.1. Send out Press Releases. In all cases the Chairman of the Town Council, or in their absence the Deputy Chairman, must either directly approve the release, or be sent a copy of the release at least 24 hours before it goes out in order to give them chance to object if necessary. No Press Release may be sent out under this authority if the Chairman of the Town Council or Deputy Chairman does object: in that instance they must be authorised by Full Council.

Note: Power C/4a shall also apply to the Chairman/Vice of the Neighbourhood Plan Steering Group, and any other Sub-Committee or Working Group of the Town Council granted this power by Full Council. However other delegated powers to Committees do not automatically apply.

## **Appendix 1: Health Pandemic/Lockdown Scheme of Delegation**

Saltash Town Council delegates authority to the Town Clerk informed by consultation with Members of the Town Council, to take any actions necessary with associated expenditure up to **£5,000** to protect the interest of the community and ensure Town Council business continuity during the period of the a health pandemic/lockdown where it is deemed inappropriate to meet.

## 7. Committee Structure



## **8. Terms of Reference Committees and Subcommittees**

## **Introduction**

Saltash Town Council has appointed a number of Committees to undertake work for and on behalf of the Town Council. The specific responsibilities of each Committee are confirmed by Terms of Reference.

This policy sets out the Terms of Reference of each Committee of the Town Council and confirms the following:

- Membership and number of seats
- Role of the Chairman of the Town Council and Deputy Chairman of the Town Council
- Frequency of meetings
- Remit of the Committee and reporting structure
- Delegated Authority

In the absence of any policy, a Committee of the Town Council will abide by the criteria established for Full Town Council as prescribed by the Town Council's Standing Orders.

These terms of reference apply to Committees and Sub Committees.

Saltash Town Council has the General Power of Competence as a power of first resort. Where the Town Council becomes ineligible, it will refer to the Powers quoted in these Terms of Reference for the conduct of its business.

## **General**

### **General Terms of Reference Applicable to all Committees, Sub Committees and Joint Burial Board:**

The Terms of Reference of all Committees, Sub Committees and Joint Burial Board are subject to the following principles:

1. That powers be exercised in accordance with any policy adopted or directions given by the Town Council.
2. That powers be subject to the Town Council's Standing Orders and Financial Regulations.
3. That any unresolved differences between Committees shall be referred to Full Town Council for determination.
4. That any proposal which involves any change in the existing policies already approved by the Town Council shall be submitted to the Town Council for approval.
5. Day to day management of Town Council matters rests with the Town Clerk.
6. Urgent/emergency matters may be dealt with as they arise by the Town Clerk in consultation with the Chairman of Committee (or in his/her absence the Vice Chairman) and Chairman of the Town Council and reported to the next appropriate Committee or full Town Council meeting, whichever is first.
7. Committees and Sub Committees will bring to the attention of Town Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Saltash.
8. Guest speakers should normally be limited to one per meeting with the permission of the Town Council and shall not exceed 10 minutes unless directed by the Chairman of the meeting in accordance with Standing Orders.
9. Public participation:
  - a. There will be, during each Committee meeting, a quarter of an hour public session with members of the public being able to speak and ask questions concerning the business of the Committee in accordance with the Standing Orders.

b. The period of time designated for public participation at a meeting in accordance with standing order 3.7 shall not exceed 15 minutes unless directed by the Chairman of the meeting.

c. Subject to Standing Order 3.8 above, a member of the public shall not speak for more than 3 minutes.

10. Committees will receive and approve their own minutes.

11. Committees will monitor/respond with critical appraisals to minutes, reports, documentation which from time to time are received from Cornwall Council or other bodies which have been brought to the Town Council's attention by the Town Clerk/individual Town Councillors or member of the public which may have an adverse or beneficial effect on the area of Saltash.

12. From time to time a Committee may appoint up to two (2) members of the public to serve on a Town Council Committee or Sub Committee as non-voting members. Appointed members will be required to abide by the Town Council's Code of Conduct.

13. All members of the Personnel and Planning and Licensing Committee will attend training relevant to the work of the Committee as identified and provided by the Town Council.

**Delegation of Authority to Sub Committees:**

Where a function within the Terms of Reference of a Committee has been further delegated to a Sub Committee that Sub Committee will report its findings and any recommendations back to the appropriate Committee or direct to the Town Council, as per the remit.

## Burial Authority Committee

Composition:	Six members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Committee at the first meeting in each Council Year.
Quorum:	Four members
Meetings:	As required
Timing:	Biannual
Venue:	Guildhall
Reports to:	Full Town Council
Remit:	Management and operation of Churchtown Cemetery and to work within the individual delegated authority budget.

### Terms of Reference and Matters Delegated to the Committee:

1. The provision and management of a burial and cremated remains service.
2. The improvement, maintenance and management of the grounds in Churchtown Cemetery.
3. To consider such matters as may be delegated by the Town Council from time to time.
4. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P and F Committee.
5. To consider and submit to the P and F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and five year forecast.
6. Authorization of expenditure within the Committee budget, provided that the payment is made from a budget that is within the limits of the scheme of

delegation or previously approved by the Town Council. The Committee cannot commit or spend from future budgets not confirmed or from future years.

7. The virement of funds within the Committee total budget must be authorized by the P and F Committee.
8. All aspects of Health and Safety that fall within the remit of the Committee.
9. Making recommendations to the Town Council on all matters not within existing policy.
10. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Planning and Licensing Committee

Composition:	Sixteen members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Committee at the first meeting in each Council Year.
Training:	All members of the Committee are to undertake Planning training within 6 months of their appointment subject to course availability
Quorum:	Six members
Meetings:	Every Third Tuesday of the month
Timing:	6:30 p.m.
Venue:	Guildhall
Reporting WP:	Saltash Neighbourhood Plan
Reports to:	Town Council
Remit:	To consider and make responses on behalf of Saltash Town Council for all Planning and Licensing related matters.

### Terms of Reference and Matters Delegated to the Committee:

1. Full delegated authority to make responses on behalf of Saltash Town Council to all applications for licensing or development in and outside the Saltash Town Council area (including Listed Building, Conservation Area consents, consent for advertisement displays etc.) received from Cornwall Council.
2. To consider any request for pre-application discussions with any developer and make a response on behalf of the Town Council in accordance with the Town and Parish Town Councils in Cornwall Guiding Principles for Pre-Application discussions.
3. To review the Town Council planning policy and procedure and make recommendations to Town Council to ensure that the Town Council is able to meet any additional requirements of the planning process.

4. To respond to consultation documents regarding tree preservation and other matters regarding general land development.
5. To consider all appeals against planning refusal by Cornwall Council within Saltash Town Council area and to submit comments to the Planning Inspectorate.
6. To consider any proposals for new and reviews of the Core Strategy and any other consultation documents of a planning nature and to make resolutions to the Town Council.
7. During Planning 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 Committee.
8. The period of time designated for public participation at a meeting in accordance with standing order 3.4 shall not exceed 15 minutes unless directed by the Chairman of the meeting.
9. Consultation with other relevant bodies with similar interests, including other Local Town Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy including neighbourhood planning.

Terms of Reference last updated: 03.2024

## Policy and Finance Committee

Composition:	Sixteen members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Committee at the first meeting in each Council Year.
Quorum:	Six members
Meetings:	Bi-Monthly
Timing:	6:30 p.m.
Venue:	Guildhall
Reports to:	Full Town Council
Remit:	Policy Administration and Finances of the Town Council and to work within the individual delegated authority budget. Staffing resources <b>(budget only)</b>

### Terms of Reference and Matters Delegated to the Committee:

1. To consider such matters as may be delegated by the Town Council from time to time.
2. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Town Council.
3. To prepare annual estimates and update a 5-year forecast of income and expenditure of the Town Council on continuing services and of payments on capital account for the next financial year and to make a recommendation to the Town Council as to the precept in time for its annual budget meeting each year.
4. To regulate and control the finance of the Town Council and to have charge of the financial and accounting arrangements of the Town Council.
5. To consider matters arising from the report of the internal and external auditors and where considered necessary make changes to the Town Council's system of controls.
6. To receive and approve schedules of payments.

7. To agree virements between approved budget headings.
8. To make recommendations to the Town Council on the use of financial reserves.
9. To make recommendations to the Town Council on capital expenditure not already provided for in Town Council's estimates of expenditure for the current financial year.
10. To consider grants to local organisations in accordance with the Town Council's adopted grants policy.
11. To undertake annually the risk assessment in relation to the Town Council's insurance cover.
12. To insure against such risks as the Committee deems necessary to cover.
13. To make resolutions to the Town Council regarding the promotion and expenditure on tourism.
14. To make resolutions to the Town Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies.
15. To make resolutions to the Town Council regarding town twinning.
16. To make resolutions to the Town Council regarding the prosecution or defence of any legal proceedings.
17. To make resolutions to the Town Council for the use of powers to acquire by agreement, to appropriate, to dispose of land.
18. To make resolutions to the Town Council for the use of its powers to promote a lottery.
19. To make resolutions to the Town Council for the use of its powers to accept gifts, including land.
20. To make resolutions to the Town Council regarding the future provision of civic regalia.
21. To agree the use by any other organisation of the Town Seals or Modern Logo.

22. To review the Standing Orders and Financial Regulations on a regular basis and make recommendations to the Town Council.
23. To make recommendations to the Town Council regarding the review of existing policy matters.
24. The delegated power to keep all procedures under active review.
25. The delegated power to maintain the Town Council's eligibility for General Power of Competence.
26. The delegated power to exercise the Town Council's powers to direct as to the custody of parish property and documents.
27. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Town Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the P and F Committee's total budget must be authorised by the Town Council.
28. The negotiation of tenders which do not fall within the Terms of Reference of any other Committee and the acceptance of tenders and supervision of contracted projects (provided expenditure is within the budgetary provision) with the practical implementation of the contract devolved to the appropriate Committee.
29. All aspects of Health and Safety that fall within the remit of the Committee.
30. Making recommendations to the Town Council on all matters not within existing policy.
31. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
32. Monitoring the physical environment within the Town Council's area and carrying out improvements within budgetary provision. To recommend to the Town Council any matters outside this budgetary provision.
33. The consideration of recommendations of sub- Committees, working groups etc. under the control of the P and F Committee.

34. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
35. Matters not already delegated to the Town Clerk which relate to the Town Council newsletter, websites, webcam, publicity and press and social media releases.
36. To consider such other matters of a general nature not clearly falling within the Terms of Reference of any other Committee referred either by the Town Council or the Town Clerk.
37. To draft, negotiate with the lessee/licensee terms and conditions of leases/licenses for all Town Council property and land and submit resolution to Town Council.
38. To consider the renewal of leasing/licensing agreements and make proper resolution to Town Council if it is not felt appropriate to continue such an agreement.
39. To maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry.

**Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

**Services Committee**

Composition:	Sixteen members
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Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Committee at the first meeting in each Council Year.
Quorum:	Six members
Meetings:	Bi-monthly
Timing:	6:30 p.m.
Venue:	Guildhall
Reports to:	Full Town Council
Remit:	<p>The provision, maintenance, management, marketing and service function of all Town Council property, buildings, land and structures and to work within the individual delegated authority budget:</p> <ul style="list-style-type: none"> <li>• Property</li> <li>• Allotments</li> <li>• Open Spaces</li> <li>• Cemetery</li> <li>• Waterfront</li> <li>• Structures</li> <li>• Footpaths</li> <li>• Grounds Maintenance</li> <li>• Public Toilets</li> <li>• Christmas Lights</li> <li>• Staffing resources (<b>budget only</b>)</li> </ul>

**Terms of Reference and Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Town Council from time to time.

2. To consider and submit to the P and F Committee for the annual budget estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast plan.
3. Authorization of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Town Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committees total budget must be authorised by the P and F Committee.
4. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
5. All aspects of Health and Safety that fall within the remit of the Committee.
6. Making recommendations to the Town Council on all matters not within existing policy.
7. Monitoring the physical environment and property within the Town Council's area and carrying out improvements within budgetary provision. To recommend to the Town Council any matters outside this budgetary provision.
8. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
9. The consideration of recommendations of Sub Committees, working groups etc. under the control of the Committee.
10. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
11. The implementation of agency agreements for the delegation of services from Cornwall Council which fall within the remit of the Committee and have been negotiated and agreed by Full Town Council.
12. To consider such matters as may be delegated by the Town Council from time to time.

13. To consider the securing and security of all Town Council property and land and make resolutions to the Town Council.
14. To maintain the exterior and structural fabric of all Town Council buildings/structures.
15. To review the level of fees and charges of the Committee's functions and making appropriate recommendations to the P and F Committee.
16. To consider and submit to the P and F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and five-year forecast.
17. Authorization of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Town Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P and F Committee.
18. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
19. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
20. Consultation with other relevant bodies with similar interests, including other Local Town Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024



## Devolution Sub Committee

Composition:	Eight members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Sub Committee at the first meeting in each Council Year.
Quorum:	Four
Meetings:	As required
Timing:	6.30pm
Venue:	Guildhall
Reports to:	Full Town Council

### Terms of Reference and Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To investigate and potentially progress devolution of assets from Cornwall Council to Saltash Town Council working with the Community Link Officer.
2. To explore funding options for remedial works from Cornwall Council upon the transfer of assets.

### Matters not delegated to the Committee:

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Library Sub Committee

Composition:	Eight members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Sub Committee at the first meeting in each Council Year.
Quorum:	Four
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Services Committee
Remit:	Library premises and delivery of service as listed below.  Staffing resources <b>(budget only)</b>

### Terms of Reference and Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget.

1. To oversee the management and maintenance of the library premises working within budget.
2. To oversee the transformation programme of the library premises and services.
3. To act as liaison with Cornwall Council library service.
4. To monitor performance of the library service provided by the Town Council.
5. To undertake public consultations where required making appropriate recommendations to services.
6. To receive and consider tenders for works to the library premises making appropriate recommendations to Full Town Council.

7. To work with the appointed Building Surveyor to Project Manage and carry out Construction (Design and Management) Regulations (CDM) works on behalf of the Town Council making appropriate recommendations to Full Town Council.
8. To approve applications to the Public Works Loan Board (PWLB) for works to the library premises making appropriate recommendations to Full Town Council.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Property Maintenance Sub Committee

Composition:	Eight members
	Chairman and Vice Chairman to be elected from the members of the Sub Committee at the first meeting in each Council Year.
Quorum:	Four
Meetings:	As required
Timing:	6:30pm
Venue:	Guildhall
Reports to:	Services Committee
Remit:	To oversee the repair, maintenance and security programmes for all Town Council assets.

### Terms of Reference and Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To oversee the repair and maintenance programmes for the following Town Council property:
  - The Guildhall
  - Library
  - Saltash Heritage building
  - Isambard House
  - Longstone depot
  - The Maurice Huggins Room
  - Pontoon and Cabin
  - Public toilets
  - Outdoor land and fences
2. To ensure Town Council accommodation requirements are met.
3. To oversee procurement of property maintenance delivery.

4. To review the Town Council five-year repair and maintenance plan together with the Services Committee budget statements.

**Matters not delegated to the Sub Committee:**

Any matter falling within the remit of the Sub Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Station Property Sub Committee

Composition:	Eight members
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Sub Committee at the first meeting in each Council Year.
Quorum:	Four
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Services Committee
Remit:	To oversee the station building development project as laid out in the terms of reference.

### Terms of Reference and Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To oversee the station building development project.
2. To identify and apply for appropriate grant and funding opportunities.
3. To act as liaison with Network Rail and GWR and other agencies.
4. To manage the appointment of tenants to the building.
5. To encourage and develop uses and a programme of activities at Isambard House.

### Matters not delegated to the Committee:

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Town Vision Sub Committee

Composition:	<p>The Committee membership comprises of a maximum of eight Saltash Town Council Councillors together with the Town Clerk and Administration Officer.</p> <p>Executive input for the Committee is provided by the Town Clerk and administrative support is provided by the relevant Officers of the Town Council.</p>
Chairmanship:	Chairman and Vice Chairman to be elected from the members of the Sub Committee at the first meeting in each Council Year.
Quorum:	Four
Meetings:	The committee meets for a minimum of four times each financial year (April to March).
Timing:	6.30 p.m.
Venue:	Guildhall
Reports to:	The Committee reports directly to Full Town Council making strategic recommendations as required.
Financial Matters	The Committee has delegated authority for expenditure up to £20,000. Any requests over this delegated authority of expenditure would require a recommendation to the Policy and Finance Committee for consideration.
Remit:	The purpose of the Town Vision Sub Committee is to support the Town Clerk in leading the business planning process for Saltash Town Council and to oversee its effective implementation.

**Terms of Reference and Matters Delegated to the Committee:**

**The Town Vision Sub Committees intended Outcomes over the next three years are:**

1. A shared purpose through an agreed, overarching and unified business plan for Saltash Town Council.
2. Increased engagement, understanding and support from Saltash residents on Saltash Town Council's purpose, strategic priorities and activities.
3. Increased success in securing investment to further the strategic priorities of Saltash Town Council.
4. Effective governance and management for Saltash Town Council, clarifying roles and responsibilities, particularly the non-executive roles of the Town Clerk and staff team.
5. A more collaborative, efficient and agile working culture avoiding fragmentation and duplication.
6. Delegated authority to undertake an overarching monitoring role of the Business Plan on behalf of the Town Council reporting back as required.

**The primary and initial output of the Town Vision Sub Committee will be:**

1. The production of a three year business plan for the period April 2024 to March 2027, encompassing:
  - Vision, Mission and Values
  - Strategic priorities and outcomes
  - Activity Plan
  - Communications Strategy
  - Governance, Management and Operations
  - Fundraising strategy
  - Budget forecasts

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy. Terms of reference last updated: 03.2024

## Joint Burial Board Committee

Composition:	<p><b>Membership as established by separate constitution:</b></p> <p>The Chairman of the Town Council, Deputy Chairman of the Town Council and two elected Members.</p> <p>The Incumbent or Priest in charge of the Parish St Stephen-by-Saltash.</p> <p>Two Churchwardens of the Parish of St Stephen-by-Saltash.</p> <p>Undertakers regularly using the Churchyard are entitled to appoint a representative to represent their views but not entitled to vote.</p> <p>The Town Clerk will be Secretary to the Board.</p>
Chairmanship:	<p>The Incumbent or Priest in charge of the Parish of St Stephen-by-Saltash will be the ex-officio Chairman (entitled to vote but without a casting vote).</p> <p>The Chairman of the Town Council will be Deputy Chairman.</p>
Non-members:	<p>Any member of the Town Council is able to attend and may participate at the discretion of the Chairman but may be asked to leave if the press and public are excluded.</p>
Quorum:	<p>Any 3 members for non-financial matters, 3 STC members for financial matters.</p>
Meetings:	<p>Quarterly</p>
Timing:	<p>6:00 p.m.</p>
Venue:	<p>Guildhall</p>
Reports to:	<p>Full Town Council</p>

Remit:	Maintenance and operation of St Stephen's Cemetery and to work within the individual delegated authority budget.
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**Terms of Reference and Matters Delegated to the Committee:**

1. The improvement, maintenance and management of the open section of cemetery grounds in St Stephen's Cemetery.
2. To consider such matters as may be delegated by the Town Council from time to time.
3. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P and F Committee.
4. To consider and submit to the P and F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
5. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits of the scheme of delegation or previously approved by the Town Council. The committee cannot commit or spend from future budgets not confirmed or from future years.
6. The virement of funds within the Committee's total budget must be authorised by the P and F Committee.
7. All aspects of Health and Safety that fall within the remit of the Committee.
8. Making recommendations to the Town Council on all matters not within existing policy.
9. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

## Personnel Committee

Town Councillors appointed to the Personnel Committee must be willing to commit to undertake employment law training as soon as they are elected to the Committee. The Town Council recognizes that a stable membership of the Committee is desirable and as such membership of the Committee should be seen as a long-term commitment.

Members of the Personnel Committee are advised to refrain from taking notes when in part two confidential session and to refer to the P and C reports.

Composition:	Six members  There are no ex-officio members of the Personnel Committee.  <b>Note:</b> A member will not be eligible for nomination to the Committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.
Quorum:	Four members
Meetings:	Quarterly
Time:	6:30 p.m.
Venue:	Guildhall
Public attendance:	The meeting is open to members of the public and press up until the Public Bodies (Admission to Meetings) Act 1960.
Training:	All members of this Committee will undertake employment law training every 6 months provided by the Town Council subject to course availability.
Reports to:	Full Town Council

Remit:	Staff recruitment, grievance, appraisal, sickness, annual leave, maternity and paternity records, training, employment policies, health and safety and welfare matters and to work within the individual delegated authority budget.
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**Terms of Reference and Matters Delegated to the Committee:**

1. To consider such matters as delegated by Town Council or any Committee of the Town Council.
2. The overall performance and welfare of the staff, delegating the day to day line management to the Town Clerk.
3. To receive reports from the Town Clerk in respect of attendance, short- and long-term sickness, return to work interviews, annual leave, maternity leave, paternity leave, adoption leave, compassionate leave, and flexible leave requirements and with delegated powers to resolve any associated matters.
4. To review and recommend all employment policies to Town Council in consultation with members of staff.
5. To maintain the staffing levels necessary to efficiently discharge the work required by the Town Council and to review the workloads periodically and report any recommendations for change to the relevant Committee and or Full Town Council.
6. To oversee the recruitment process of all staff and where required, assist, when required, the Town Clerk in the recruitment of new staff.
7. To undertake the recruitment of the Town Clerk with any associated expenditure and making the appointment.
8. To review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment.

9. To maintain confidentiality over all staffing matters as required under the 2018 General Data Protection Regulations and the 2018 Data Protection Act as well as the Code of Conduct.
10. To deal with all matters relating to staff conduct.
11. Staff Appraisals:
  - 11.1. To ensure that annual appraisals for all staff are carried out, agree and monitor any associated actions and outcomes.
  - 11.2. The annual appraisal of the Town Clerk will be undertaken by the Chairman of the Town Council and Chairman of the Personnel Committee.
  - 11.3. To oversee staff and member development including identify training opportunities and ensure that all training needs are met.
12. To consider and implement any changes which are required to comply with legislation and Terms and Conditions of Service as laid down by the National Joint Town Council (Green Book) and recommended by the National Association of Local Town Councils and Society of Local Town Council Town Clerks.
13. To receive and consider any complaints made under the Town Council's Grievance and Disciplinary Procedure referred by the Town Clerk.
14. Where appropriate, appoint a panel to hear complaints made under the Town Council's Grievance and Disciplinary Procedure and full delegated responsibility to take whatever action necessary. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter.
15. To prepare and submit to the P and F Committee budget proposals in respect of salaries and training - for all staff.
16. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Town Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P and F Committee.

17. All aspects of Health and Safety that fall within the remit of the Committee.
18. Making resolutions to the Town Council on all matters not within existing policy.
19. Saltash Town Council recognises the Transfer of Undertakings Protection of Employment regulations 2006 known as TUPE.
20. Saltash Town Council is committed to working with accredited trade unions to promote a good working relationship with its staff.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 03.2024

# Membership Terms of Reference

## 1. Committee Membership

- The maximum number of members for each committee/sub-committee will be determined based on governance needs, operational efficiencies and, if applicable, constitutions.
- Membership numbers are confirmed and detailed in the Town Council's Terms of Reference – Committee and Sub Committees;
- Planning and Licensing, Policy and Finance and the Services Committees are a composition of sixteen Members therefore appointments are not required, all Members will be summoned to the scheduled meetings of Saltash Town Council during the fiscal year.
- Membership should reflect a balance of Town Councillors;
- The Town Council recognises that a stable membership of the Personnel Committee is desirable and as such membership of the Committee should be seen as a long-term commitment with all members of this Committee to undertake employment law training within 6 months provided by the Council subject to course availability.
- Working Groups have no membership limitations as they are informal advisory bodies rather than decision-making committees with strict voting rights;
- Outside Partnerships are normally managed by external organisations therefore, the Town Council will appoint representatives as requested, unless specified otherwise.

## **2. Selection Process**

In accordance with Standing Orders, the Town Council will appoint or reaffirm members to all Town Council Committees, Sub Committees, Joint Committees, Working Groups and Outside Partnerships at the Annual Meeting of Saltash Town Council, held each May.

Should a seat become vacant during the fiscal year due to a resignation, it will be filled accordingly at the following Full Council meeting.

If over-subscription occurs:

- A discussion between Members would take place initially;
- If a consensus cannot be reached, names of those who wish to form the membership to be placed into a hat and pulled out accordingly.
- The person who pulls the names out of the hat should not also have their name in the hat

## **3. Appeal / Review**

- Unsuccessful Members will not be able to appeal the decision;
- The Terms of Reference on membership will be reviewed annually to maintain fairness and transparency.