



# Perranzabuloe Parish Council

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## Standing Orders

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## **Introduction**

These model standing orders are based on the National Association of Local Council (NALC) model standing orders which were last reviewed in July 2018 and incorporate variations recommended by the Cornwall Association of Local Councils published in November 2018.

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

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.

- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i to speak on an amendment moved by another councillor;
  - ii to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii to make a point of order;
  - iv to give a personal explanation; or
  - v to exercise a right of reply.
- p. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
  - i to amend the motion;
  - ii to proceed to the next business;
  - iii to adjourn the debate;
  - iv to put the motion to a vote;
  - v to ask a person to be no longer heard or to leave the meeting;
  - vi to refer a motion to a committee or sub-committee for consideration;
  - vii to exclude the public and press;
  - viii to adjourn the meeting; or
  - ix to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## 2. Disorderly conduct at meetings

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 2(b) 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

**Red:** Full Council meetings

**Amber:** Committee meetings

**Green:** Sub-committee meetings

- a. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c. The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- d. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 10 minutes unless directed by the chairman of the meeting.

- g. At the Chairman's discretion and with the agreement of the council, a member of the public may be invited to answer questions on matters of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- h. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i. A person shall raise his hand when requesting to speak.
- j. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l. Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- m. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- n. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).
- p. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- q. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.

- r. The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

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

- s. Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.

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

- i the time and place of the meeting;
- ii the names of councillors who are present and the names of councillors who are absent;
- iii interests that have been declared by councillors and non-councillors with voting rights;
- iv the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi if there was a public participation session; and
- vii the resolutions made

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

- v. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be fewer than three.

*See standing order 5d(viii) for the quorum of a committee or sub-committee meeting.*

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

- x. A meeting shall not exceed a period of (2) hours.

#### **4. Filming and recording meetings**

- a. When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may
  - i film, photograph or make an audio recording of a meeting;
  - ii use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b. Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- c. An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d. Disruptive behaviour
  - i No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - ii If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii If a resolution under standing order 4 d ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e. Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

#### **5. Committees and sub-committees**

1. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
2. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
3. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

4. The Council may appoint standing committees or other committees as may be necessary, and:
- i shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights;
  - ii shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 1 day before the meeting that they are unable to attend;
  - vi shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix shall determine if the public may participate at a meeting of a committee;
  - x 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;
  - xi shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii may dissolve a committee or a sub-committee.

## **6. Ordinary council meetings**

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

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.
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. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
7. The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
8. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the 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.
9. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.
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:
  - i In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
  - ii Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii Receipt of the minutes of the last meeting of a committee;
  - iv Consideration of the recommendations made by a committee;
  - v Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi Review of the terms of reference for committees;
  - vii Appointment of members to existing committees;
  - viii Appointment of any new committees in accordance with standing order 4;

- ix Review and adoption of appropriate standing orders and financial regulations;
- x Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi Review of representation on or work with external bodies and arrangements for reporting back;
- xii In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii Review of inventory of land and other assets including buildings and office equipment;
- xiv Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv Review of the Council's and/or staff subscriptions to other bodies;
- xvi Review of the Council's complaints procedure;
- xvii Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- xviii Review of the Council's policy for dealing with the press/media;
- xix Review of the Council's employment policies and procedures;
- xx Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b. If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
- c. The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d. If the chairman of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee any 2 members of the committee may convene an extraordinary meeting of the committee.

## **8 Previous resolutions**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **9. Voting on appointments**

- a. Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- b. Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk

## **10. Motions for a meeting that require written notice to be given to the proper officer**

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.

- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i. A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies

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

- 1. The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i to correct an inaccuracy in the draft minutes of a meeting;
  - ii to move to a vote;
  - iii to defer consideration of a motion;
  - iv to refer a motion to a particular committee;
  - v to appoint a person to preside at a meeting;
  - vi vi. to change the order of business on the agenda;
  - vii to proceed to the next business on the agenda;
  - viii to require a written report;
  - ix to appoint a committee and their members;
  - x to extend the time limits for speaking;
  - xi to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii to not hear further from a councillor or a member of the public;
  - xiii to exclude a councillor or member of the public for disorderly conduct;
  - xiv to temporarily suspend the meeting;
  - xv to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi to adjourn the meeting; or
  - xvii to close the meeting.

## 12. Management of information

*See also standing order 20.*

- a. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b. The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## 13. Draft minutes

**Red:** Full Council meetings

**Amber:** Committee meetings

**Green:** Sub-committee meetings

- a. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect.

- e. "The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- f. If the Council's gross annual income or expenditure (whichever is higher)
- does not exceed £25,000, it shall publish draft minutes on a website
- which is publicly accessible and free of charge not later than one month after the meeting has taken place.
- g. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **14. Code of conduct and dispensations**

### **General**

- a. The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

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

- b. Members must have particular regard to their obligation to record and leave the room for matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c. The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

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

- d. All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- e. All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

- g. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- h. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i. Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.
- j. [Code of Conduct 2.6 – insert the clause in the Council's Code of Conduct relating to gifts and hospitality.]
- k. A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

### **Dispensations**

- l. 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.
- m. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- n. A dispensation request shall confirm:
  - i the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv an explanation as to why the dispensation is sought.

- o. This policy shall apply to all meetings of the Council, its committees and sub-committees.
- p. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- q. A dispensation may be granted in accordance with standing order 14(r) above if having regard to all relevant circumstances the following applies:
  - i without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or;
  - ii granting the dispensation is in the interests of persons living in the council's area or;
  - iii it is otherwise appropriate to grant a dispensation.

## **15. Code of conduct complaints**

- a. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. 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
- d. The council may:
  - i provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- e. 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.
- f. Upon notification by Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.

## 16. Proper Officer

- a. The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
  - i at least three clear days before a meeting of the council, a committee or a sub-committee,  
  
serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and  
  
provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

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

- i subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- ii convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iii facilitate inspection of the minute book by local government electors;
- iv receive and retain copies of byelaws made by other local authorities;
- v hold acceptance of office forms from councillors;
- vi hold a copy of every councillor's register of interests;
- vii assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- viii liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- ix receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x 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);
- xi arrange for legal deeds to be executed;

- xii arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv refer a planning application received by the Council to the Chairman or in the Chairman's absence the Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
- xv manage access to information about the Council via the publication scheme;
- xvi retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect; and

#### **17. Responsible Financial Officer**

- a. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- b. When the Responsible Financial Officer is absent, the Council will appoint a member to an unpaid post to undertake the work of the Responsible Financial Officer if required.

#### **18. Accounts and accounting statements**

- a. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 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 June.

## **19. Financial controls and procurement**

### **Financial Regulations**

The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.

- a. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- b. The Council's proper practices will be in accordance with the most recent JPAG guidance.

## **20. Handling staff matters**

- a. A matter personal to a member of staff that is being considered by the Staffing Committee is subject to standing order 11.
- b. Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of the Staffing Committee or in their absence the Vice Chairman of the Staffing Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Staffing Committee in accordance with its terms of reference.

- c. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Staffing Committee or, if they are not available, the vice-chairman of the Staffing Committee of absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
- d. The chairman of the Staffing Committee or in their absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Staffing Committee or in their absence, the vice-chairman of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- f. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised relates to the chairman or vice-chairman of the Staffing Committee this shall be communicated to another member of the Staffing Committee which shall be reported back and progressed by resolution of the Staffing Committee.
- g. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- h. In accordance with standing order 11(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 19 (f).

## **21. Responsibilities to provide information**

*See also standing order 21.*

- a. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b. The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

## **22. Responsibilities under data protection legislation**

(Below is not an exclusive list).

*See also standing order 11.*

- a. The Council may appoint a Data Protection Officer.
- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c. The Council shall have a written policy in place for responding to and managing a personal data breach.
- d. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f. The Council shall maintain a written record of its processing activities.

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

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

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

*See also standing orders 15(b)(xii) and (xvii).*

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. [Subject to standing order 23(a), 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 two councillors who shall sign the deed as witnesses.]

## **25. Communicating with unitary councillors**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors of Cornwall Council representing the area of the Council.

- b. Unless the Council determines otherwise, a copy of relevant correspondence sent to the unitary authority shall be sent to the divisional councillor(s) representing the area of the Council. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.
- c. At the Chairman's discretion and with the approval of the council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

## **26. Restrictions on councillor activities**

- a. Unless duly authorised no councillor shall:
  - i inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii issue orders, instructions or directions.
  - iii incur any expenditure on behalf of the council or issue an instruction to incur expenditure.

## **27. Standing orders generally**

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.