

ST GERMANS PARISH COUNCIL STANDING ORDERS



These Standing Orders were adopted by the Council at the Parish Council Meeting held on 27 February 2023. Minute item number 51.2023.

Section number	Title	Page number
	How to use Model Standing Orders	4
1	Rules of debate at meetings	5
2	Disorderly conduct at meetings	7
3	Meetings generally including filming and recording	7
4	Committees and sub-committees	10
5	Ordinary council meetings	11
6	Extraordinary meetings of the council, committees and sub-committees	12
7	Previous resolutions	12
8	Voting on appointments	13
9	Motions for a meeting that require written notice to be given to the proper officer	13
10	Motions at a meeting that do not require written notice	14
11	Management of information	14
12	Draft minutes	15
13	Code of conduct and dispensations	16
14	Code of conduct complaints	18
15	Proper officer	18
16	Responsible financial officer	20
17	Accounts and accounting statements	20
18	Financial controls and procurement	21
19	Handling staff matters	22
20	Responsibilities to provide information	23
21	Responsibilities under data protection legislation	23
22	Responsibilities with the press/media	23
23	Execution and sealing of legal deeds	23

24	Communication with district and county or unitary councillors	23
25	Restrictions on councillor activities	24
26	Burial ground	24
27	Financial regulations	24
28	Standing orders generally	24
	Model Standing Orders 2018 (England) – updated April 2022	

HOW TO USE MODEL STANDING ORDERS

Standing orders are written rules of a local Council. Standing orders are essential to regulate the proceedings of a meeting. A Council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a Council are not the same as the policies of a Council but standing orders may refer to them.

The model standing orders do not include model financial regulations. 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 Council, include most of the requirements relevant to the Council's Responsible Financial Officer.

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 Chairperson 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 Chairperson 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 Chairperson of the meeting, is expressed in writing to the Chairperson.
- 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 Chairperson 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 Chairperson of the meeting.
- k One or more amendments may be discussed together if the Chairperson 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 When 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 Chairperson of the meeting, a Councillor may speak only once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the Chairperson of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee 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 Chairperson of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), 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 Chairperson of the meeting.

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 Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any Councillor or the Chairperson 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 Chairperson 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.

MEETINGS GENERALLY

Full Council meetings ●
Committee meetings ●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a Committee meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of 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 15 minutes unless

directed by the Chairperson of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chairperson 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 their comments to the Chairperson of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson 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 Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair or the Council (if there is one) if present, shall preside. If both the Chair and the vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside.**
- 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 chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he/she/they gave an original vote.

- **s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillors present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda..

t A full Council meeting shall not exceed a period of 2 hours, unless by resolution of the Council.

u 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 viting 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.

v 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.

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

x If a meeting is or becomes inquotate 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.

y A meeting shall not exceed a period of 3 hours.

4 COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of Councillors of such a committee;
 - v. shall, after it has appointed the Councillors of a standing committee, appoint the Chairperson of the standing committee;
 - vi. shall permit a committee other than a standing committee, to appoint its own Chairperson at the first meeting of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee which, in both cases, shall be no less than three;
 - viii. shall determine if the public may participate at a meeting of a committee;
 - ix. may dissolve a committee or sub-committee.
- c The Council or a committee of the Council may appoint an informal working party to undertake research and compile information on behalf of the Council and make recommendations if appropriate.

- (i) Councillorship of a working party may include non Councillors and Councillors of the public
- (ii) Working parties shall have no delegated authority to make decisions or incur any expenditure on behalf of the Council.

5 ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson (if there is one) of the Council.
- f The Chairperson of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chairperson of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairperson of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but shall give a casting vote in case of an equality of votes.
- i In an election year, if the current Chairperson of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairperson of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairperson of the Council and shall give a casting vote in case of an equality of votes.
- j Following the election of the Chairperson of the Council and Vice-Chairperson

of the Council at the annual meeting, the business shall include:

- k **In an election year, delivery by the Chairperson 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 Chairperson of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
- i. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - ii. Receipt of the minutes of the last meeting of a committee;
 - iii. Consideration of the recommendations made by a committee;
 - iv. Review of delegation arrangements to committees, staff and other local authorities;
 - v. Review of the terms of reference for committees;
 - vi. Appointment of Councillors to existing committees;
 - vii. Appointment of any new committees in accordance with standing order 4;
 - viii. Determine the schedule for the review of Council Standing Orders, Financial Regulations and other policies as required;
 - ix. Determining the time and place of ordinary meetings of the Council up to the financial year end.

6 EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES

- a **The Chairperson of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairperson 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 Chairperson of a committee may convene an extraordinary meeting of the committee at any time.
- d If the Chairperson of a committee does not call an extraordinary meeting within seven (7) days of having been requested to do so by two (2) Councillors of the committee, any two (2) Councillors of the committee may convene an extraordinary meeting of the committee.

7 PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 Councillors to be given to the Proper Officer in accordance with standing order 10. Unless, the Committee quorum is greater than the number of Councillors required to move the motion to rescind.
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

8 VOTING ON APPOINTMENTS

- a When 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 Chairperson of the meeting.

9 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least nine (9) 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 nine (9) 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 Chairperson 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 A written notice of motion shall not relate to any matter which may be considered under the Council's complaints or employment policies and procedures or its code of conduct.
- h Motions received shall be recorded and numbered in the order that they are received.
- i Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

xvii. to close the meeting.

11 MANAGEMENT OF INFORMATION

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.**

12 DRAFT MINUTES

Full Council meetings ●
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 Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairperson of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairperson 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.”

- e **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. This also applies to Parish Councils who are categorised as ‘Smaller authorities’, like St Germans.**
- f 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.

13 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 Councillors of the public co-opted to serve on 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 Councillors must have particular regard to their obligation to record and leave the room for certain 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 Councillors' interests that is compliant with the Code of Conduct and with relevant legislation.

Councillors and the Code of Conduct

- d All Councillors and Councillors of the public co-opted to serve on Council committees shall observe the Code of Conduct adopted by the Council.
- e All Councillors and Councillors of the public co-opted to serve on Council 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 Councillorship 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 – There is no requirement to register or declare any gifts or hospitality which have been offered or received, but you must not accept any gifts or hospitality that you are offered in connection with your official duties as a member that could be seen by the public as likely to influence your judgement and decision making in these matters..

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 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 and its 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 13(m) 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.

14 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 Chairperson or Vice Chairperson 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 as part of the Decision Notice.

15 PROPER OFFICER

a The Proper Officer shall be the Clerk nominated by the Council to undertake the work of the Proper Officer. The Council will make arrangements 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 or a**

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;

- ii. **convene a meeting of the Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in this 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. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. 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);
- x. arrange for legal deeds to be executed;
(see also standing order 23);
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xii. refer a planning application received by the Council to the Parish

Councillors 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 Council;

- xiii. manage access to information about the Council via the publication scheme.

16 **RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17 **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each 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.

18 FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

- iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. 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;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - f. **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 Contract 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.**

19 HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the Employment Committee is subject to standing order 11.
- b The Chairperson of the employment committee or in their absence, the Vice-Chairperson shall upon a resolution conduct a review of the performance and annual appraisal of the work of Clerk and RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the employment committee.
- c Subject to the Council's policy regarding the handling of performance, capability, sickness, absence, disciplinary and grievance matters, the Council's most senior staff member (or other member of staff), shall contact the Chairperson of the employment committee or in their absence the Vice Chairperson of the employment committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the employment committee in accordance with its terms of reference.
- d Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk/RFO relates to the Chairperson of the employment committee, this shall be communicated to the Vice Chairperson of the employment committee (or other member of the employment committee) and this shall be reported back and progressed by

resolution of the employment committee in accordance with its terms of reference.

- e 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.

20 RESPONSIBILITIES TO PROVIDE INFORMATION

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

21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- a **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- b **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c **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.**
- d **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.**
- e **The Council shall maintain a written record of its processing activities.**
- f **The Council may appoint a Data Protection Officer.**

22 RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled by the Clerk in consultation with the Chairperson and Vice Chairperson.

23 EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

Subject to standing order 22(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

24 COMMUNICATING WITH UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of Cornwall Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of all relevant correspondence sent to Cornwall Council shall be sent to the County Councillor representing St Germans.

25 RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. In the exercise of Council duties, 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.

26 BURIAL GROUND

- a. The management of the burial ground shall be in accordance with the Burial Ground Regulations.
- b. The Clerk shall be responsible for the administration of the Burial Ground in accordance with the Burial Ground Regulations.
- c. The Charges and Regulations will be reviewed annually with any amendments being implemented at the start of the next financial year (1st April).

27 FINANCIAL REGULATIONS

- a 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 a separate policy document together with Investment Strategy and Policy.
- 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 Council's proper practices will be in accordance with the most recent JPAG guidance (Joint Panel on Accountabilty and Governance).

28 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 four (4) 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 Chairperson of a meeting as to the application of standing orders at the meeting shall be final.