

# **FALMOUTH TOWN COUNCIL**

## **STANDING ORDERS**

**As Amended: May 2024**

**Minute : C5862**

## How to use these standing orders

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

Meetings of full councils, councillors and the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. So the council should have standing orders to confirm those statutory requirements. The council has standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements. Standing orders not in bold are there to help the council operate effectively but do not contain statutory requirements so they have been designed to suit the council's needs. For convenience, the word "councillor" is used in standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

The standing orders do not include the council's financial regulations but they are attached at Appendix 4. 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 Responsible Financial Officer.

Standing orders, financial regulations and council policies are issued to all councillors and these standing orders should be used in conjunction with the Council's financial regulations, code of conduct and all policies and procedures duly adopted by the Council. Further copies of standing orders may be obtained from the Town Clerk.

AM Williams FCG FSLCC

Town Clerk

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# 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 chair 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 chair 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 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 chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
  - iii. to make a point of order;

- iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chair 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) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chair of the meeting.
- u Councillors who are non-committee members can attend and speak at the discretion of the committee chair, usually on a matter affecting their ward. They cannot vote.

## 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 chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chair 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

- Full Council meetings
- Committee meetings
- 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 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 raise formal questions at a meeting if sufficient notice has been given and at the discretion of the Town Clerk as to the appropriateness of the question(s). Certain speaking protocols apply to certain committees.
- f In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given. At the chair's discretion and with the agreement of the Council, a member of the public may be invited to answer questions on matter of fact relating to the item under consideration by the Council at that point on the agenda where the matter is discussed.
- g A person shall raise his hand when requesting to speak and when directed to speak by the chair stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- h A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- i Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

- ■ j **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.**
- k **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 their absence be done by, to or before the Vice-chair of the Council.**
- l **The chair, if present, shall preside at a meeting. If the chair is absent from a meeting, the vice-chair, 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 at the meeting.**
- ■ ■ m **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting.**
- ■ ■ n **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 their casting vote whether or not they gave an original vote.**  
*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.*
- o **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda and will be taken in alphabetical order of those present at the meeting and eligible to vote.
- p The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. when councillors entered and left the meeting;
  - iv. interests that have been declared by 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.
  - viii. the mover and seconder of motions and amendments.
- ■ ■ q **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 their right to participate and vote on that matter.**



- r **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 less than three.**

The quorum of a committee shall be three members of the committee.

- 🔍 s **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.
- t A meeting shall not exceed a period of 3 hours.
- u Apologies for absence must be received by the Proper Officer or relevant attending officer, and the reasons for absence at a meeting must be given, in advance of the meeting.

## 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 a person(s) disregard the request of the chair of the meeting to moderate or improve their behaviour, any councillor or the chair 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 chair 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, and to advise the Chair at the commencement of the meeting of their intention to record the meeting.
- f Where possible the Council will webcast its Council, and some Committee, meetings.

## 5. Committees and sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee for the consideration of single issue matters 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 will appoint the following standing committees with terms of reference and delegations attached as an appendix to these standing orders:
  - i. Finance and General Purposes Committee;
  - ii. Cultural Services and Leisure Committee;
  - iii. Grounds, Facilities and Environmental Action Committee;
  - iv. shall determine their terms of reference including the scheme of delegation and the role of chair and vice-chair as ex officio members with or without voting rights;
  - v. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - vi. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - vii. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - viii. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee or delegate that appointment to the standing committee;
  - ix. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
  - x. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - xi. shall determine if the public may participate at a meeting of a committee;
  - xii. 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;
  - xiii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xiv. may dissolve a committee.
- e The Town Council may determine the numbers of any or all committees without the need to amend standing orders;
- f The Council does not normally appoint standing sub-committees or other working groups, but may appoint a working group to consider single issue matters;

- g The consideration of all licensing applications, and licensing matters referred to the council by the Licensing Authority or otherwise, shall be undertaken by the Planning and Licensing Committee to make observations within the time period specified without referral for approval by the council.
- h The consideration of all applications and planning matters referred to the Council by the Planning Authority, which require the submission of observations within a period of time specified by legislation shall be considered by the Planning and Licensing Committee to exercise the said power within the period described by law. Applications will be reviewed by the chair/vice-chair Planning of the Planning and Licensing Committee (or other member(s) of the Committee if the chair and vice-chair Planning are unavailable) and will decide whether an application is significant or routine. Routine applications will be placed on a delegated list with an appropriate recommendation by the chair and vice-chair Planning (or other member(s)) and approved by the Planning and Licensing Committee en bloc without discussion, unless a member of the Council notifies the chair of the Planning and Licensing Committee of concerns prior to the meeting, which will entail it being moved to the significant applications list. Other planning applications will be treated as significant and considered individually by the Planning and Licensing Committee.

The Council recognises and operates to the Planning Authority protocols regarding consideration of planning matters.

- i The chair shall attend Planning and Licencing meetings of Cornwall Council and must present the formal views of the Committee. If the chair is unable to attend then the Vice-chair should attend. If they are unable to then a member of the Committee to attend.
- j Unless the Council determines otherwise (standing order 5d v. above) each standing Committee shall appoint a chair and a vice-chair at its first meeting in the relevant municipal year. In the event of the vote for chair being equal there is no casting vote available and the matter determined on the toss of a coin.
- k All chairs and vice-chairs must undertake relevant training in regard to chairing skills.
- l Unless the Council or parent committee determines otherwise each Sub-Committee and Working Party shall appoint a chair and a vice-chair at its first meeting in the relevant municipal year. Except for the Finance Sub-Committee, where the Chair of the Finance and General Purposes Committee will chair.
- m Membership of the Staffing Committee and Planning and Licensing Committee will be dependent upon the councillor having undertaken the agreed training relevant to that role.
- n The Planning and Licensing Committee shall appoint a vice-chair (Planning) to assist the chair with f above and appoint a vice-chair (Licensing) to assist the chair with e above. The Vice-chair roles can be held by separate Committee Members or combined in one Committee Member.
- o The Staffing Committee membership will normally include the Town Mayor, Chair of the Cultural Services and Leisure Committee, Chair of the Grounds, Facilities and Environmental Action Committee and Chair of the Finance and General Purposes Committee.
- p For those councillors that enter meetings after its commencement and/or leave before the cessation, and/or leave for a part of the meeting then that detail shall be recorded in the minutes.

## 6. 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 new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed the annual meeting of the council shall take place at 7pm.
- 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 directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chair (Town Mayor) and Vice-chair (Deputy Mayor) of the Council.**
- f **The Chair 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-chair of the Council, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.**
- h **In an election year, if the current chair of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor chair of the Council has been elected. The current chair of the Council shall not have an original vote in respect of the election of the new chair of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current chair of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new chair of the Council has been elected. They may exercise an original vote in respect of the election of the new chair of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-chair of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chair 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 Chair 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 5 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;

- x. Review of arrangements, including any charters and agency agreements, with other local authorities and 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 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;
  - 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 Section 137 of the Local Government Act 1972 or the general power of competence;
  - xxi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.
- k For those councillors that enter meetings after its commencement and/or leave before the cessation, and/or leave for a part of the meeting then that detail shall be recorded in the minutes.

## 7. Extraordinary meetings of the Council and committees and sub-committees

- a **The Chair of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chair of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chair of a committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chair of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 3 members of the committee, any 3 members of the committee may convene an extraordinary meeting of a 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 10 below.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## 9. Voting on appointments

- a 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 chair of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for 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 5 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 10(b) above, 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 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 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 chair 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 Subject to standing order 10(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- i A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaint Procedure or employment policies.

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

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

## 12. Managing Information

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure (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, sensitive information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential or sensitive information or personal data without legal justification.
- e Councillor requests for information regarding services shall in the first instance be directed to the Committee chair, for dissemination as necessary to Council officers for response.

## 13. Draft minutes

- 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 11(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair 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 chair 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 that view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 14. Code of Conduct, and dispensations

*See also standing order 3(q) above.*

### **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 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 Members' interests that is compliant with the Code of Conduct and with relevant legislation. This is also published by Cornwall Council.



## **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 Chair.
- j. You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that they are offered or received in connection with official duties as a member and the source of the gift or hospitality that could be seen by the public as likely to influence their judgement in these matters.
- k. A Member of the Council may, for the purposes of their duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All minutes kept for any committee shall be open for the inspection of any member of the Council during office hours.

**Dispensations** – see standing order 16

## **15. Code of Conduct Complaints**

- a. Notification by Cornwall Council Standards Committee 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 Chair or Vice-Chair of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer in relation to the complaint and as set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. Where 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 related to a breach or an alleged breach of the code of conduct by a councillor.
- f. Upon notification by the 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 them. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.

## 16. Dispensation

- a. Dispensation requests shall be made in writing and submitted to the Proper Officer who shall consider and determine the request in accordance with the Council's Dispensation Policy (this standing order).
- b. A decision as to whether to grant a dispensation shall be made in accordance with the Council's Dispensation Policy and that decision is final.
- c. A dispensations shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or non-pecuniary interest in which the request for 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 the meeting or period (not exceeding four years) for which the dispensation is sought;
  - iv. an explanation as to why the dispensation is sought.
- d. A dispensation shall be granted if having regard to all the 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 interest of persons living in the Council's area or;
  - iii. it is otherwise appropriate to grant the dispensation.
- c. Unless a councillor has been granted a dispensation, they shall withdraw from a meeting when it is considering a matter in which they have another interest if so required. They may return to the meeting after it has considered the matter in which they had the interest.

## 17. Proper Officer

- a The Town Clerk shall undertake the role of the Proper Officer. When the Clerk is absent the Town Manager (as Deputy Proper Officer) shall undertake the work of the Proper Officer. The Proper Officer shall manage the operation of the Council within the policies, budgets and scheme of delegation set by the Council.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].  
*See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.*
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (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) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.*
  - iii. subject to standing order 10 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
  - iv. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and DataProtection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xii. arrange for legal deeds to be executed;  
*See also standing order 23 below.*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xiv. record every planning application notified to the council and the council's response to the local planning authority,
  - xv. refer a planning application received by the Council to the Chair, or in his absence the Vice-chair, of the Planning and Licensing Committee in a timely manner of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning and Licensing Committee;
  - xvi. manage access to information about the council via the publication scheme; and
  - xvii. retain custody of the seal of the council which shall not be used without a resolution to that effect.  
*See also standing order 23 below.*

- c When decisions of an urgent nature need to be made between meetings of Committees the Town Clerk shall be given delegated powers to act, in consultation with the relevant committee Chair and Vice-chair and/or Town Mayor and Deputy Mayor. The decision to be reported back to the next Committee meeting.
- d The Town Clerk as Proper Officer will undertake the management and supervisory functions of the Council's staff and contractors and the delivery of services within the operational budgets set by the Council.

## 18. Responsible Financial Officer

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

## 19. 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, usually as a report to the Finance and General Purposes Committee at the scheduled meeting,, 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 for each quarter;
  - ii. the council’s aggregate receipts and payments 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 for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 2 of the annual 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 applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June or as instructed by the Council’s external auditor.

## 20. 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 Contract Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order in 20 (f) is subject to the 'light touch' arrangements under Regulations 109 – 114 of the Public Contract Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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 on the Contract Finder Website 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 or relevant Service Manager;
  - v. tenders shall be opened by the Proper Officer or relevant Service Manager 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 with delegated responsibility;
  - vii. details of the successful tender shall be reported and advertised as required by law.
- e Neither the council, nor a 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 Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the council must comply with procurement rules.**

## 21. Precept

- a Determination of the precept can only be made by the Council.

## 22. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the Staffing Committee is subject to standing order 12 above.
- b The Council shall engage, and be cognisant of the advice of, its HR Manager and external HR advisors.
- c The Town Clerk's terms and conditions shall be quadrennially or more regularly reviewed by the Council's external HR advisors.
- d The chair and the vice-chair of the Staffing Committee shall conduct an annual and mid-year performance appraisal of the work of the Town Clerk. The Town Clerk shall conduct an annual and mid-term performance appraisal of the work of the senior management team. The management team shall conduct an annual and mid-term performance appraisal of their direct reports.
- e Subject to the Council's Grievance Policy, the Town Clerk shall exercise absence management matters in accordance with the Council's procedures.
- f Subject to the Council's Grievance Policy if the employee's grievance relates to the action or omission of the chair or vice-chair of the Staffing Committee, then it shall be directed to the Mayor.
- g Subject to the Council's Absence Management Policy the Town Clerk shall exercise absence Management matters in accordance with the Council's procedures.
- h Subject to the Council's Disciplinary Policy and the Capability Policy, the Town Clerk shall exercise Exercise absence management matters in accordance with the Council's procedures.
- i Any persons responsible for all or part of the management of staff shall treat as confidential the written and digital records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- j The council shall keep all written and digital records relating to employees secure in accordance with relevant legislation, including Data Protection Act 2018 and GDPR.. All paper records shall be secured and locked and electronic records shall be password protected and access restricted. .
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 22(i) and (j) above shall be provided only to the Town Clerk, HR Manager and Administrative Officer on request of the Town Clerk.

## 23. Responsibility 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.

## 24. Responsibilities under Data Protection Legislation

*see also standing order 12. This is not an exhaustive list.*

- a The Council may appoint a Data Protection Officer.
- b The Council will apply its policy to respond to an individual exercising statutory rights concerning their personal data.
- c The Council will apply its written policy to respond to and manage 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.

## 25. 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.

## 26. Execution and sealing of legal deeds

*See also standing orders 16(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 24(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of a witness.

## 27. Communicating with unitary councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Falmouth electoral division councillors of the Cornwall Council with a request that they provide a report.
- b Unless the council determines otherwise, a copy of relevant correspondence sent to the Cornwall Council shall be sent to the Falmouth electoral division Cornwall Councillor representing the area.
- c At the Chair's discretion and in addition to standing order 25(a) 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.

## 28. Civic Events

Councillors are expected to attend Civic Events usually requested by the Mayor's office and should send apologies if unable to do so.

## 29. Restrictions on councillor activities

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

## 30. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 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 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 10 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered their acceptance of office form.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.



# ***APPENDICES***

*1 – Standing Orders Town Meetings*

*2 - Code of Conduct*

*3 – Complaints Procedure*

*4 – Financial Regulations*

*5 – Media Policy*

*6 – Speaking Protocols*

*7 – Committee Structure*

*8 – Committee Terms of Reference*

*9- Scheme of Delegation*

## APPENDIX I

### STANDING ORDERS FOR TOWN MEETINGS OF THE ELECTORS OF FALMOUTH

1. *The Annual Town Meeting of the electors of the Town of Falmouth shall be held in the Council Chamber, Municipal Buildings, The Moor, Falmouth, or such other venue as the Council may determine, on such day in the month of April, as the Council may determine, commencing at precisely seven o'clock in the evening. If, in the event of an emergency or extensive repairs being carried out, a suitable location to be agreed.*

*Other Town Meetings called under Section 15 of Local Government Act 1972 shall be held in the Council Chamber, or such other venue as the Council may determine, as and when required and shall commence at precisely seven o'clock in the evening.*
2. *In the absence of the Mayor and the Deputy Mayor from a Town Meeting, the meeting shall appoint such other person as it thinks fit, to act as Chair before it proceeds to any other **business**.*
3. *The Town Clerk shall ensure that proceedings of Town Meetings, are recorded.*
4. *As soon as the Chair has been filled, the Minutes of the previous Town Meeting shall be submitted for approval as a correct record, and subject to such approval shall be signed by the Mayor or person presiding at the Meeting.*
5. *The business to be transacted at the Annual Town Meeting shall be as follows:*
  - (a) To appoint a Chair if the Mayor and Deputy Mayor are absent from the meeting.*
  - (b) To read and approve as a correct record the Minutes of the previous Town Meeting.*
  - {c) To receive any reports prepared by the Town Clerk.*
  - (d) To receive reports on items of Community Interest.*
  - {e) To receive reports regarding the activities of Cornwall Councillors.*
  - (f) To receive reports from Council representatives on outside bodies.*
  - (g) To consider items raised by electors of which written notice has been given to the Town Clerk.*
  - (h) To consider such business as may be raised by electors present at the meeting, at the discretion of the Mayor or person presiding at the Meeting.*
6. *At a Town Meeting, other than the Annual Town Meeting, after the Minutes of the previous Meeting have been signed, no other business shall be transacted other than for which the meeting is called.*
7. *At all Town Meetings, the ruling of the Mayor or person presiding at a meeting shall be final and shall not be challenged, nor shall any debate ensue upon any such ruling given by the Mayor or person presiding.*

8. *The ruling of the Mayor as to the construction or application of any of these standing Orders, or as to any proceedings of the Council shall not be challenged by individual members at any meeting of the Council, nor shall any debate ensue upon such ruling given by the Mayor.*



# Code of Conduct For Falmouth Town Council

Approved : 17<sup>th</sup> May 2021  
Minute : C5447  
Reaffirmed : 16<sup>th</sup> May 2022 (Minute C5633)  
Reaffirmed : 22<sup>nd</sup> May 2023 (Minute C5748)  
Reaffirmed : 13<sup>TH</sup> May 2024 (Minute C5863)

# Code of Conduct for Members and Co-opted Members

## General principles of public life

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

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

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

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

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

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

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

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

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

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

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

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

statutory officers and its other employees.

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

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

## **Introduction and Interpretation**

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

2. In this Code:

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

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

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

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

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

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

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

**“sensitive interest”** means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation

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

3. This Code is arranged as follows:

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

### **Part 1 – Application of the Code of Conduct**

1.1 This Code applies to you as a Member of the Council.

1.2. This Code should be read together with the preceding general principles of public life.

1.3. It is your responsibility to comply with the provisions of this Code.

1.4 Subject to paragraphs 1.5 and 1.6 of this Code, you must comply with this Code whenever you:

- (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
- (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council or use knowledge you could only have obtained in your role as a representative of the Council

and references to your official capacity are construed accordingly.

1.5 Where you act as a representative of the Council:

- (a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
- (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.

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

### **Part 2 – General obligations**

2.1 You must treat others with respect.

2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.

- 2.3 You must not bully or harass any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.6 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement and you are responsible for declaring all gifts and hospitality received over the value of £50 from a single source in one year, either in the form of a single gift or as a cumulative total . You also must register any gifts or gifts or hospitality over £50 within 28 days of receiving either the gift or hospitality.
- 2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith; and
    - (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the Monitoring Officer or his nominee.
- 2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 2.11 You must not use or attempt to use your position as a Member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- 2.12 You must when using or authorising the use by others of the resources of the Council:
  - (i) have the prior formal permission of the Council;
  - (ii) act in accordance with the reasonable requirements of the Council;
  - (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iv) have regard to any statutory or other requirements relating to local authority publicity.



- 2.13 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.
- 2.14 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- 2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Proper Officer, RFO or Monitoring Officer.
- 2.16 You must comply with the requirements of the Monitoring Officer in assisting with any assessment or investigation relating to an alleged breach of the Code of Conduct and comply with any sanction that is imposed upon you for breaching the Code of Conduct.
- 2.17 You must complete Code of Conduct training within 6 months of taking office and then must attend refresher training every 2 years if practicable or as required by the Monitoring Officer. This training can be held virtually.

### **Part 3 – Registering and declaring interests and withdrawal from meetings**

- 3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.
- 3.2 Within 28 days of becoming a Member you must notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have and your membership of any trade union(s) at the time of giving the notification.
- 3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.2 of this Code to the extent that your disclosable pecuniary interests and your trade union membership(s) are not already entered on the register at the time the notification is given.
- 3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.
- 3.5 If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:
  - (i) not participate, or participate further, in any discussions of the matter at the meeting;
  - (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
  - (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.
- 3.5A Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the

Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop, address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).

- 3.6 If a disclosable pecuniary interest or any membership of a trade union to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.
- 3.7 Where you are able to discharge a function of the Council acting alone and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership(s) in a matter being dealt with, or to be dealt with, by you in the course of discharging that function you must :
- (i) not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you); and
  - (ii) if the interest is a disclosable pecuniary interest or membership of a trade union, notify the Monitoring Officer of that interest within 28 days of becoming aware of the interest if the interest is not entered in the register and has not already been notified to the Monitoring Officer.
- 3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest or trade union membership, or change to any disclosable pecuniary interest or trade union membership already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.
- 3.9 All notifications of disclosable pecuniary interests and trade union membership to the Monitoring Officer, excepting those made verbally at meetings, must be made in writing.
- 3.10 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

#### **Part 4 – Sensitive interests**

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

#### **Part 5A – Disclosable Pecuniary Interests**

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

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

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

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

		<p>where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body, or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>
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### **Part 5B – Non-registerable interests**

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

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

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

- (iii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iv) statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- (v) an allowance, payment or indemnity given to Members;
- (vi) any ceremonial honour given to Members; and
- (vii) setting of the council tax

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



# **FALMOUTH TOWN COUNCIL**

## **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

**APPROVED : 21<sup>st</sup> May 2018**  
**MINUTE : C5027**  
**REAFFIRMED : 17<sup>TH</sup> May 2021**  
**MINUTE : C5447**  
**REAFFIRMED : 16<sup>TH</sup> MAY 2022**  
**MINUTE : C5633**  
**REAFFIRMED : 22<sup>nd</sup> May 2023**  
**MINUTE : C5748**  
**REAFFIRMED : 13<sup>th</sup> May 2024**  
**MINUTE : C5863**

1. If a complaint about procedures of administration is notified orally to a Councillor or the Clerk or Service Manager or Communications Officer and if they cannot satisfy the complainant fully forthwith the complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.
2. If the complaint is about the conduct of a Councillor then the complainant will be advised to pursue the Code of Conduct complaints procedure.
3. If a complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Chair.
4. (a) On receipt of a written complaint the Clerk or Chair, as the case may be, shall (*except where the complaint is about his or her own actions*) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or Council Officer without first notifying the person complained of and giving an opportunity for comment on the manner in which it is intended to attempt to settle the complaint.  
  
(b) Where the Clerk receives a written complaint about his or her own actions he or she shall forthwith refer the complaint to the Chair.
5. The Clerk or Chair shall report to the next meeting of the Council any written complainant disposed of by direct action with the complainant.
6. The Clerk or Chair shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered.
7. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
8. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
9. A Council shall defer dealing with any written complaint *only* if it is of opinion that issue of law or practice arise on which advice is necessary from the National Association of Local Councils or other body. The complaint shall be dealt with at the next meeting after the advice has been received.

Mark Williams FCG FLSCC  
Town Clerk  
May 2022



# Falmouth Town Council

## FINANCIAL REGULATIONS 2024

**APPROVED: 13th May 2024**  
**Minute: C5862**

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These Financial Regulations were originally adopted by the Council at its Meeting held on 5<sup>th</sup> March 2018 (from a recommendation by the Finance and General Purposes Committee dated 19<sup>th</sup> February 2018). They were further amended to reflect the activities and structure of the Council and ratified 19<sup>th</sup> April 2021. Further reviews were undertaken in 2023 and now in 2024.

## 1. GENERAL

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for Councillors and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective, and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 A breach of these Regulations by an employee may entail action under the Council's Disciplinary Procedures.
- 1.7 Councillors of the Council are expected to abide by the code of conduct and to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.

1.9 The RFO;

- acts under the policy direction of the Council;
- administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the Council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- that the accounting records of the Council are up to date in accordance with proper practices;
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the Council.

1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.

1.11 The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the Council; and
- wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12 The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification and documentation of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13 The Council is NOT empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, which shall be a matter for the Finance and General Purposes Committee only.

1.14 In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve a grant of any value or an individual payment in excess of £25,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Staffing Committee in accordance with its terms of reference.

1.15 In these financial regulations, references to the Accounts and Audit Regulations or ‘the regulations’ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in Governance and Accountability for Local Councils – a Practitioners’ Guide (England) issued by the Joint Practitioners Advisory Group (JPAG) Edition 2023, available from the websites of NALC and the Society for Local Council Clerks (SLCC)

## 2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations 2015, appropriate guidance and proper practices.

2.2 On a regular basis, at least once in each quarter, and at each financial year end, at least one member other than the Chairman (the Mayor) shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance and General Purposes Committee.

2.3 The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts the RFO shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.

- 2.4 The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the Purposes of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that Purposes.
- 2.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6 The internal auditor shall:
- be competent and independent of the financial operations of the Council;
  - report to the Finance and General Purposes Committee in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.7 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8 For the avoidance of doubt, in relation to internal audit the terms ‘independent’ and ‘independence’ shall have the same meaning as is described in proper practices.
- 2.9 The RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998 superseding legislation, and the Accounts and Audit Regulations
- 2.10 The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. Each service manager shall review forecasts of revenue and capital receipts and payments for their service. Having regard to the forecast and to committee (appendix 1 sets out the committee responsible for each service) and Council recommendations, they shall thereafter formulate and submit proposals for the following financial year to the Council before the 30<sup>th</sup> November each year, including any proposals for revising the projected current year end forecast.

- 3.2. The RFO must each year, by no later than 31<sup>st</sup> January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance and General Purposes Committee and then confirmed by the Council to set its precept (see 3.4).
- 3.3. The Council shall consider annual budget proposals in relation to the Council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by December each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

## 4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1 Expenditure on revenue items may be incurred up to the amount shown under each approved Committee and Service schedule (appendix 1). Sub delegation by Service Heads is permitted to defray day to day small expenditure up to £100 per individual item.
- 4.2 Authorisation of payment is determined by:
  - Approval by two authorised signatories for net items exceeding £10,000; or
  - Approval by one authorised signatory for net items up to but not exceeding £10,000.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.3 Service Heads shall monitor revenue expenditure and report projected year end forecast to their respective committees.
- 4.3 During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.4 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.5 The salary budgets are to be reviewed at least annually, usually in October, for the following financial year and such review shall be evidenced by a hard copy schedule signed by Chairman of the Staffing Committee and the Clerk as the Proper Officer. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.6 In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any

budgetary provision for the expenditure, subject to a limit of £10,000. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.

- 4.7 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted on capital projects unless the Council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.
- 4.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.9 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each heading of the budget, showing actual expenditure and projected forecast to the end of the financial year. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this Purpose, "material" shall be any amount in excess of 15% of the budget.
- 4.10 Changes in earmarked reserves shall be approved by the Finance and General Purposes Committee as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2 The RFO shall prepare a schedule of authorised payments forming part of the agenda for the meeting to the Finance and General Purposes Committee for approval. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO Officer to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4 The RFO shall arrange for all invoices to be examined for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to arrange for payment of all invoices submitted to be made in a timely manner and in accordance with 4.1.
- 5.5 A scheme of delegation regarding the authorisation of payments is attached at appendix 1.

In addition, the Clerk and RFO shall have delegated authority to authorise the payment of items in the following circumstances:

- a) A revenue expenditure item authorised under 4.1 above and under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance and General Purposes Committee; or
  - b) fund transfers within the Councils banking arrangements.
- 5.6 For each financial year the RFO can draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which the Finance and General Purposes Committee, or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of the Finance and General Purposes Committee.
- 5.7 Should procedure 5.6 above be followed, a record of regular payments made shall be drawn up and be signed by two Councillors on each and every occasion when payment is authorised – thus controlling the risk of duplicated payments being authorised and/or made.
- 5.8 In respect of grants the following applies:  
(i) General Grants - Finance and General Purposes Committee shall approve expenditure within any limits set by Council and in accordance with any Policy statement approved by Council.  
(ii) Educational Reserve Grants – Shall be approved by the Chair of Finance and General Purposes and any two ward Councillors. Payment shall be reported to the following Finance and General Purposes meeting.
- 5.9 Councillors are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10 The Council will aim to rotate the duties of Councillors in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11 Changes to account details for suppliers, to whom digital payments are made, must be verified both in writing and verbally, and authorised by the RFO.

## 6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1 The Council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Finance and General Purposes Committee, Council or, if so delegated, the RFO shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by BACS / cheque or other instruction to the Council's bankers, or otherwise, in accordance with a resolution of the Finance and General Purposes Committee.

- 6.4 Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed in accordance with the bank mandate, in line with 4.1 above. If a Councillor who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and/or permissible to be a signatory to the transaction in question.
- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation.
- 6.6 Details of cheques or orders for payment shall be presented in a month by month format to the Finance and General Purposes Committee at the next meeting following the end of the preceding calendar month.
- 6.7 If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by at least **one** Councillor and any payments are reported to the Finance and General Purposes Committee as made.
- 6.8 The Council has approved the use of internet banking. The use of a Bankers Standing Order provided that the instructions are signed by **one** member and any payments are reported to the Finance and General Purposes Committee as made, shall be renewed by resolution of the Finance and General Purposes Committee annually.
- 6.9 If thought appropriate by the Council, payment for certain items may be made by BACS or similar banking method provided that the instructions for each payment are signed, or otherwise evidenced, by **one** authorised bank signatory and are retained. All payments made by this method are to be reported to the Finance and General Purposes Committee as made.
- 6.10 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.11 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question.
- 6.12 The Council, and any Councillors using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.13 Where internet banking arrangements are made with any bank, the Clerk and the RFO shall be appointed as the Service Administrators. The Bank Mandate approved by the Council shall identify the persons authorised to approve transactions on those accounts. All transaction made by this method must be witnessed and signed by the duly authorised persons and witnesses.
- 6.14 Access to any internet banking accounts will be directly through the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved



passwords facilities must not be used on any computer use for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.15 Any Debit Card issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £1,000 unless authorised by Council or Finance and General Purposes Committee in writing before any order is placed.
- 6.16 A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance and General Purposes Committee. Transactions and purchases made will be reported to the Finance and General Purposes Committee and reconciled to monthly statements by the Finance Officer, with authority for topping-up at the written discretion of the RFO.
- 6.17 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by approved and authorised employees and contractors and shall be subject to automatic payment in full at each month-end.
- 6.18 The RFO via delegated officers shall maintain varying petty cash floats depending on the cost centre involved (threshold per transaction £40.00) for the Purposes of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment and the petty cash accounts are to be reconciled on a monthly basis.
  - a) Income received must not be paid into the petty cash floats but must be separately banked, as provided for elsewhere in these regulations.
  - b) Payments to maintain the petty cash floats shall be clearly identified on the schedule of payments presented to Council under 5.2 above.

## 7. PAYMENT OF SALARIES

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, as recommended by the Staffing Committee.
- 7.2 All time sheets shall be certified as to accuracy by the employees and their line manager and verified by the RFO prior to authorisation of payment.
- 7.3 Travel expenses:
  - a) All employees should use Council vehicles subject to authorisation of driver whenever possible when travelling on Council business. Where this is not possible business mileage will be paid for local authorised travel (usually Cornwall and West to Mid Devon only) at the appropriate NJC agreed rate. Outside of local area in the interests of best value a standard rate rail fare would be paid. All claims for travel and other expenses should be authorised by the relevant line manager before being submitted for RFO approval or in the case of the Town Clerk/RFO, expenses to be authorised by a Councillor.

- b) Employees of the Council and Councillors using their own vehicles for local travel must have in place the appropriate level of 'business use' insurance with the appropriate documentation provided to the RFO before travel expenses can be authorised for payment.
- 7.4 As approved by line managers, time in lieu must be taken in accordance with the Council's approved policy and subject to the operational requirements of Council business.
- 7.5 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts. All payments to be approved by any one of the, Chairman or Chairs of the Finance and General Purposes or Staffing Committees.
- 7.6 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Staffing Committee.
- 7.7 The Council shall via the RFO maintain records of each and every payment to employees of net salary and other payments and to the appropriate credit of the statutory and discretionary deductions. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any Councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.8 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.9 An effective system of personal performance management should be maintained for the senior officers in accordance with the Council's staff Appraisal System.
- 7.10 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.11 The Clerk and the RFO are delegated to make arrangements to engage such replacement staff as to ensure that the Council's operational functions are maintained.

## 8. LOANS AND INVESTMENTS

- 8.1 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and Purposes. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full Council.
- 8.2 Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3 Bank statements are available at all times through the Council's online banking portal and in addition the Council will maintain the monthly delivery of hard copy statements from Banks and Investment providers.
- 8.4 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.5 The Council has an Investment Strategy and Policy in accordance with relevant regulations, proper practices and guidance. This shall be reviewed by the Council at least annually.
- 8.6 All investments of money under the control of the Council shall be held in the name of the Council.
- 8.7 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8 Payments in respect of short term or long term investments, including transactions between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## 9. INCOME

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable, and any bad debts shall be reported to the Finance and General Purposes Committee and shall be written off in the year.

- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 A record of the origin of each receipt shall be entered on an electronic spreadsheet, cross referenced to the relevant paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 33, shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10 Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

## 10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 Where possible, an official order or letter shall be issued for all works outside of recurring budgeted expenditure, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 A record of these orders shall be kept on the Council's electronic accounts system which is maintained by the RFO.
- 10.3 All Councillors and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to the de minimus provision in Regulation 11 (h) below.
- 10.4 A Councillor may not issue an official order or make any contract on behalf of the Council.
- 10.5 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority be applicable before it is reported to the meeting at which the order is approved, notwithstanding that the Council holds the General Power of Competence

# 11. CONTRACTS

- 11.1 Any Procurement and award of contracts covered by the Public Contracts Regulations 2015 (as amended by subsequent legislation), which, from the 1<sup>st</sup> January 2022 have an estimated value of £25,000 inc. (as amended by the PPN 09/21) or more must satisfy the requirements of the 2016 Regulations which include advertising on the Contract Finder website.
- 11.2 Procedures as to contracts are laid down as follows:
- a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vii) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - iii. for work to be executed or goods or materials to be supplied which consists of repairs to or parts for existing machinery or equipment or plant;
    - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - v. for regular revenue expenditure falling within the Council's agreed budget relating to the specific cost centre;
    - vi. for additional audit work of the external Auditor; and
    - vii. for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
  - b) Where it is intended to enter into a contract exceeding £100,000 (net) in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms.
  - c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
  - d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
  - e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.

- f) If less than three tenders are received for contracts above £100,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £100,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender estimate or quote who was present when the original decision making process was being undertaken.
- k) The European Union Procurement Directive or its successor in title shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016 including thresholds shall be followed. References to OFEU/TED have been replaced with Find a Tender (FTS) reflecting the UK's departure from the EU
- l) All procurement must be undertaken in line with the Councils Responsible Procurement Policy.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

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

## 13. STORES AND EQUIPMENT

- 13.1 The Service Manager in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The Service Managers shall be responsible for periodic annual checks of stocks and stores and inventory and report to their relevant committees, the RFO and subsequently the Finance and General Purposes Committee annually.

## 14. ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and Purposes for which held in accordance with Accounts and Audit Regulations.
- 14.2 No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £1,500, in which case the Clerk/RFO may make the decision to acquire or dispose.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5 Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council with a full business case.
- 14.6 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## 15. INSURANCE

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall affect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 15.2 The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and review this annually.
- 15.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5 All appropriate Councillors and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Finance and General Purposes Committee.
- 15.6 Each employee is responsible for maintaining proper security at all times for all buildings, stocks, share, vehicles, furniture, equipment, cash and all property belonging to the Council under their control. Keys to safes and similar receptacles are to be carried on the person of those responsible at all times and any loss of keys must be reported to the Clerk immediately.

## 16. CHARITIES

- 16.1 Where the Council is sole managing trustee of a charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## 17. RISK MANAGEMENT

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council annually.
- 17.2 When considering any new activity, the Service Manager shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.
- 17.3 Each Service Manager will undertake a documented assessment of the risks and management arrangements for their service which will be updated annually.



## 18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 18.1 It shall be the duty of the Finance and General Purposes Committee to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2 The Finance and General Purposes Committee may, by resolution of the Committee duly notified prior to the relevant meeting of the Committee, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all Councillors of the Committee.

**Budget Heading**

**Officer Role**

	Threshold	Town Clerk	RFO	Deputy Proper Officer/ Town	Cultural Services Director	Princess Pavilion General Manager	Grounds Manager	Facilities Manager	Mayors Secretary
<b>Corporate - F&amp;GP Committee **</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (see (i))	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes	Yes					
Commission works within budget	≤ £3k	Yes	Yes	Yes					Yes
Approve commissioned invoices for Payment	NA	Yes	Yes	Yes					Yes
<b>General Council - F&amp;GP Committee **</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes	Yes					
Commission works within budget	≤ £3k	Yes	Yes	Yes					Yes *
Approve commissioned invoices for Payment	NA	Yes	Yes	Yes					Yes *
<b>Town Management - Cultural Services and Leisure Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes	Yes					
Commission works within budget	≤ £3k	Yes	Yes	Yes					
Approve commissioned invoices for Payment	NA	Yes	Yes	Yes					
<b>Cultural Services - Cultural Services and Leisure Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes		Yes				
Commission works within budget	≤ £3k	Yes	Yes		Yes				
Approve commissioned invoices for Payment	NA	Yes	Yes		Yes				
<b>Princess Pavilion - Cultural Services and Leisure Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes			Yes			
Commission works within budget	≤ £3k	Yes	Yes			Yes			
Approve commissioned invoices for Payment	NA	Yes	Yes			Yes			
<b>Cemetery Services - Grounds and Facilities Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes				Yes		
Commission works within budget	≤ £1k	Yes	Yes				Yes		
Approve commissioned invoices for Payment	NA	Yes	Yes				Yes		
<b>Facilities - Grounds and Facilities Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes					Yes	
Commission works within budget	≤ £1k	Yes	Yes					Yes	
Approve commissioned invoices for Payment	NA	Yes	Yes					Yes	
<b>Parks and Gardens - Grounds and Facilities Committee</b>									
Commission emergency works	≤ £10k	Yes	Yes	Yes					
Commission planed project works within budget (i)	≤ £24,999	Yes							
Commission works within budget	≤ £10k	Yes	Yes				Yes		
Commission works within budget	≤ £1k	Yes	Yes				Yes		
Approve commissioned invoices for Payment	NA	Yes	Yes				Yes		

\* Civic and Mayoral Expenditure only

\*\* F&GP - Finance and General Purposes Committee

(i) Inclusive of VAT PPN 09/21 from 1.1.22



## FALMOUTH TOWN COUNCIL

### MEDIA POLICY

<b>Approved</b>	<b>: 18<sup>th</sup> March 2013</b>	<b>Minute C2414(2)</b>
<b>Reaffirmed</b>	<b>: 20<sup>th</sup> July 2015</b>	<b>Minute C4575</b>
<b>Reaffirmed</b>	<b>: 19<sup>th</sup> September 2016</b>	<b>Minute C4763</b>
<b>(and amended)</b>		
<b>Reaffirmed</b>	<b>: 15<sup>th</sup> May 2017</b>	<b>Minute C4861</b>
<b>Reaffirmed</b>	<b>: 17<sup>th</sup> May 2021</b>	<b>Minute C5447</b>
<b>(and amended)</b>		
<b>Reaffirmed</b>	<b>: 16<sup>th</sup> May 2022</b>	<b>Minute C5633</b>
<b>(and amended)</b>		
<b>Reaffirmed</b>	<b>: 22<sup>nd</sup> May 2023</b>	<b>Minute C5748</b>
<b>Reaffirmed</b>	<b>: 13<sup>th</sup> May 2024</b>	<b>Minute C5863</b>

Falmouth Town Council welcomes interaction with the press and media and recognises that this relationship helps to communicate to and inform residents. The Council will aim to communicate and inform in a professional manner.

The Councils approach to the media will be open, honest and with integrity. It will be proactive and endeavour to be responsive and timely.

This policy should be read in conjunction with the Members Code of Conduct and is directed by Standing Order 14.

#### Press Attendance

Under the Public Bodies and Admissions to Meetings Act 1960 the press are invited to attend all meetings of the Council and its Committees, unless there are matters to be debated that the Council recognises as exempt or confidential. The Council will apply the tests identified in Schedule 12A of the Local Government Act, 1972 (and subsequent amending legislation) to decide if matters are exempt and/or confidential. The Council will provide reasonable facilities to accommodate the press attendance at meetings and provide a notice and agenda to meetings on request.

The Press can also attend Councillor Surgeries if they wish and if acceptable to residents that attend.

Standing Order 4 directs the filming and recording of meetings.

#### Press Requests

All requests from the press or other media for an oral or written statement or comment from the Council shall be notified to and directed to the Communications Officer and Town Clerk to draft a response. A draft response to be circulated electronically to the relevant Standing Committee Chair and/or Councillor Champion for comment. It is recognised that on occasion this will be time constrained.

If Councillors are contacted directly for comment they should liaise with the Communications Officer and Town Clerk before comment.

If Councillors wish to write to, or contact the press, contrary to this policy, they should make it clear that they are not doing so in an official capacity and not use the title Councillor.

Councillors should not make statements expressing a contrary view to that of the Council as this may bring the Council in to disrepute.

#### Press Statements

An official Council release is made on behalf of the Council as a body. This will be prepared and issued by the Council's Communications Officer and approved by the Town Clerk in consultation with and/or at the request of members of the Council's Senior Management Team. As appropriate it may include quotes from the Mayor or Committee Chair or other Councillors.

Press statements prepared by Committee Chairs or other Councillors must be approved by the Town Clerk, reviewed by the Communications Officer and must be directed by a Council or Committee decision, must be in accordance with Council policies, must be factual, non-political and not written to cause offence. These statements to be circulated electronically to Councillors for information/comment before release.

#### Civic Matters

In regard to civic matters the Town Mayor, and Deputy Mayor in consultation with the Town Mayor, via the Mayor's Secretary will issue press statements and create photographic opportunities without recourse to the process for press statements above.

#### Press Release Format

The Council will issue press releases carrying the Council logo and contact details for the issuing officer. All branding and formatting must be in accordance with the Council's agreed policy.

#### Political Views

Corporate press releases will not contain political views. In respect of Councillor press statements: in election years during the period from Notice of Election until the day of Election, no quotes from Members will be published.



## FALMOUTH TOWN COUNCIL

### SPEAKING PROTOCOLS

**Updated : 19<sup>th</sup> September 2016**  
**Minute : C4763**  
**Reaffirmed: 17<sup>th</sup> May 2021**  
**Minute : C5447**  
**Updated : 14<sup>th</sup> June 2021**  
**Minute : C5465**  
**Updated : 16<sup>th</sup> May 2022**  
**Minute : C5633**  
**Reaffirmed: 22<sup>nd</sup> May 2023**  
**Minute : C5748**  
**Reaffirmed: 13<sup>th</sup> May 2024**  
**Minute : C5863**

## **Questions from the Public**

### **General**

Under standing order 3 (e) members of the public may ask questions at an ordinary meeting of the Council.

### **Order of Questions**

Questions will be asked in the order notice of them was received, except that the Town Mayor may group together similar questions.

### **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk no later than 48 hours before the day of the meeting. Each question must give the names and address of the questioner.

### **Number of Questions**

At any one meeting no person may submit more than one question and no more than one supplementary question.

### **Scope of questions**

The Town Clerk may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the Town;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

### **Record of questions**

The Town Clerk will enter each question in a file open to public inspection. Rejected questions will include reasons for rejection.

### **Asking the questions at the meeting**

The Town Mayor will invite the questioner to put the question to the Member(s) named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Town Mayor or Town Clerk to put the question on their behalf. A written reply will be given to the questioner within a reasonable period following the meeting.

### **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The

Town Mayor may reject a supplementary question on any of the grounds in Procedure Rule 'scope of questions' above.

### **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

### **Reference of question to a Committee**

Unless the Town Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

## **FALMOUTH TOWN COUNCIL**

### **PUBLIC SPEAKING AT PLANNING AND LICENSING COMMITTEE – ON PLANNING MATTERS**

Members of the public have the right to speak at meetings of the Planning and Licensing Committee during the consideration of planning applications. The purpose of the right to speak is to give members of the public the opportunity to make their views known directly to the Committee. They can still write to the Council if they prefer, or in addition to speaking.

Those entitled to speak can be objectors, applicants, their agents and supporters.

Please remember the Council is a Consultee and you must ensure that you notify the Planning Authority direct if you wish to object to planning applications. You should provide them in writing within the specified time period to:

Planning – Central One  
Cornwall Council  
Pydar Street  
Truro  
TR1 1EB

Planning applications can be viewed online at [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

### When are meetings

Meetings of the Planning and Licensing Committee are held on a Monday at 6.00pm usually in the Atherton Suite in the Old Post Office, The Moor, TR11 3QA. A schedule can be obtained from the Council offices or viewed at [www.falmouthtowncouncil.com](http://www.falmouthtowncouncil.com). If you wish to speak you will need to contact the Council's Administrative Officer, preferably in writing or email, although a telephone call will suffice, by no later than 12 noon on the day of the meeting. The Administrative Officer will then make a list of those wishing to speak, in the order they contact the Council.



### How to find out if your application is being considered

Planning applications reported to the Committee will be included in Appendix I or Appendix II. Those included in Appendix I will be reported with a recommendation from the Chair and are voted on en bloc. If you wish to talk to an Appendix I application you will need to speak to your local Councillor before the meeting to ensure that your Councillor requests the Chair that it is considered in Appendix II.

Planning and Licensing Committee agendas are available to view at the Council Offices, online, or the public noticeboard at the Falmouth Information Service on the Tuesday preceding Committee. Occasionally late received applications are added to the agenda on a Friday and you are advised to check on the day of the meeting for a comprehensive list of applications for consideration.

### Order of speaking

The Officer attending or Chair will introduce the application, followed by other speakers in the following order:

- Applicant or agent
- Objectors
- Supporters
- Cornwall Councillors (not usually time constrained)
- Falmouth Town Councillors (not usually time constrained)

Members of the Committee may question each speaker to clarify points. There will then be a debate and the Council will formulate observations for submission to the Planning Authority.

### Time limit – minor applications

There is a time limit of three minutes for each group of speakers. If there is more than one interested party wishing to speak, the Council will advise them that they should co-ordinate their presentation. If they are unable to do so, the first person registering will be allotted two minutes. At the Chair's discretion the remaining time will be available to remaining speakers, if they are adding new points. It is the responsibility of speakers to co-ordinate presentations.

### Time limit – major applications

The time limits are as above. However occasionally an applicant or agent for a major development may be invited to present his proposals to the Committee, and will be allowed a period of fifteen minutes with member questions thereafter.

### Can questions be asked of other speakers

You may include questions in the time allocated to you but the Committee has no powers to require other speakers to answer your questions, they may answer your questions if they choose in their allocated time but there will be no debate. Generally it is better if you seek to have questions answered outside the meeting and to state your interests/points on the basis of the information given to you.

You must not interrupt other speakers nor interrupt the Committee debate. All speakers must speak to the Chair, respect the Chair and respond to instructions accordingly.

The Chair will invite speakers to speak and they will stand to address the Committee (unless infirmity prevents them).

#### Relevant issues

Relevant issues will vary with the nature of the proposal and the site are specified within the National Planning Policy Framework and may include:

- Relevant planning issues
- Highway safety, traffic generation and parking
- Noise, disturbance and other loss of amenities
- Appearance and character of development
- Layout and density of buildings
- Impact on any historic buildings, protected nature conservation sites or trees
- Overshadowing, overlooking and loss of privacy

#### Irrelevant issues

Again these will vary from case to case but the following are usually irrelevant:

- Private property rights (e.g. boundary or access disputes)
- Personal remarks (e.g. the applicants motives)
- Possible future developments
- Effect on property value

#### Contact the Council

For clarification on any of the above issues, the procedures, registering to speak or to check agenda you should contact the Council on telephone 01326 315559 or email [emily@falmouthtowncouncil.com](mailto:emily@falmouthtowncouncil.com).

**FALMOUTH TOWN COUNCIL**  
**PUBLIC SPEAKING AT PLANNING AND LICENSING COMMITTEE**  
**- ON LICENSING MATTERS**

In addition to the participation of statutory organisations (such as the Police or Cornwall Council) licensing applicants and/or their agents will be invited to address the Planning and Licensing Committee in regard to the application.

Objectors to a licence application will be permitted to address their objections to the Planning and Licensing Committee when that application is being considered and at the discretion of the Chair.

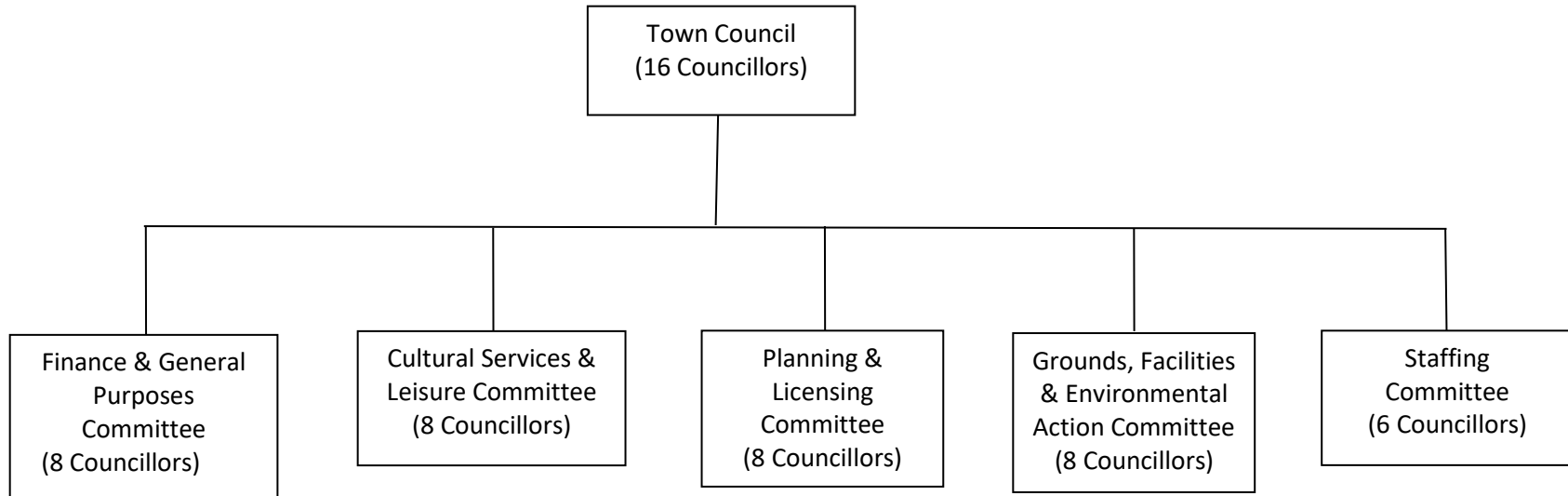
**FALMOUTH TOWN COUNCIL**

**PUBLIC SPEAKING AT FINANCE AND GENERAL PURPOSES COMMITTEE**

Public speaking is not normally permitted. However the Committee does invite grant applicants to attend to respond to questions that may arise in the consideration of their respective grant, and at the discretion of the Chair.



**FALMOUTH TOWN COUNCIL COMMITTEE STRUCTURE**





## **FALMOUTH TOWN COUNCIL**

### **COMMITTEE TERMS OF REFERENCE – 2024/25**

Committees may exercise delegated functions on behalf of the Town Council under the following terms of reference, subject to:

- The Town Council's approved Budget and Financial Regulations
- Any previously minuted decision of the Town Council
- Any matters reserved to the Town Council by statute

Committee membership will be appointed by the Council. Normally the appointment of the Committee Chair and Vice-Chair will be delegated by the Council to the respective Committee.

## **CULTURAL SERVICES AND LEISURE COMMITTEE**

To oversee the management and delivery of Cultural Services and Leisure including the management of Princess Pavilion, Falmouth Art Gallery, Falmouth Library, Education provision, Youth Services heritage, leisure services and events.

Membership: 8  
Quorum: 3  
Meeting Frequency: bi-monthly  
Attending Officers: Cultural Services Director and Town Manager

### Terms of Reference:

1. To manage and oversee the Councils provision of Cultural Services.
2. To manage the direction of and approve the forward plan of Falmouth Art Gallery.
3. To manage the direction of and approve the forward plan of Falmouth Library working in partnership with Cornwall Council.
4. To consult on the forward plan of children and young people initiatives in partnership with the Dracaena Centre.
5. To oversee the direction of and approve the annual business plan for the Princess Pavilion.
6. Ensure the governance arrangements for the service are working in the most effective way for the Council.
7. Appraise the performance of the service on an annual basis
8. Regular review of risk and create effective systems to manage and mitigate these risks.
9. The overview and management of town events and festivals.
10. Oversee, curate and ensure the security and development of the Town's collection.
11. To implement, monitor, review and revise policies pertaining to the operation of the Service.
12. To consider and place before the Council annual estimates of expenditure relating to matters within its responsibility.
13. Allocate and control the financial and manpower resources of the Cultural Services including an appropriate safeguarding regime.
14. Ensure all operating policies for Cultural Services and staff are appropriate, fit for purpose and regularly reviewed.
15. Ensure compliance with Museum Accreditation requirements.
16. To authorise Officers and Councillors to represent the service at meetings, events and awards ceremonies as appropriate.

## **FINANCE AND GENERAL PURPOSES COMMITTEE**

Is the main policy making Committee of the Council and considers the broad social and economic needs of the community. It has overview of the Council's financial systems.

Membership: 8  
Quorum: 3  
Meeting Frequency: bi-monthly  
Attending Officers: Town Clerk and Responsible Financial Officer.

1. To guide the Council in the formation of objectives.
2. To identify the need for new services and facilities.
3. To be responsible for allocating and controlling the financial and manpower resources of the Council.
4. To advise the Council on the distribution of functions between Committees and Working Groups and any major policy changes in the Council's management or administrative procedures.
5. To consider the financial estimates of the Council and recommend the annual precept to be levied.
6. To be responsible for the Council's revenue and capital budget and the works scheduled therein.
7. To be responsible for the preparation and maintenance of the Council's Asset Register.
8. To be responsible for the preparation and maintenance of the Council's Risk Register.
9. To be responsible for the collection of all revenue, and raising and renewals of loans and insurance.
10. To be responsible for the banking, financial and accounting methods adopted by the Council.
11. To oversee the operation of all council property and assets (including to oversee the financial and risk management of Princess Pavilion).
12. To ensure compliance with the recommendations of the Internal Auditor and the requirements of the External Auditor.
13. To authorise members attendance at conferences, courses and meetings.
14. To respond to consultative documents from Government and other bodies, other than those specifically allocated to other Committees or the Council.
15. To enter into legal proceedings on the Council's behalf.
16. To consider the delegation of services and assets to the Town Council from other authorities and partnership working arrangements.
17. To consider all community and event grant requests in accordance with the policy of the Council.
18. To engage with community safety initiatives.
19. To oversee the provision of town centre public realm CCTV.

## **GROUNDS, FACILITIES AND ENVIRONMENTAL ACTION COMMITTEE**

To oversee the management, maintenance and improvements of the grounds and facilities on behalf of the Council and ensure that environmental sustainability is integral to the Council's operations and decision making,

Membership:	8
Quorum:	3
Meeting Frequency:	bi-monthly
Attending Officers:	Grounds Manager, Facilities Manager and Strategic Environmental Projects Officer

### Terms of Reference:

1. To keep under review the provision of parks and gardens, allotments and sports and recreational facilities for the residents of Falmouth including:
  - Kimberley Park
  - The Bowling Green Play Area
  - Dracaena Recreational Site including Falmouth Skate Park
  - Trescobeas Recreational Area including Cycle Track
  - Wodehouse Terrace Allotments
  - Swanvale Allotments (via Allotments Association)
  - Falmouth Cemetery Sites
  - Gyllyngdune Gardens
  - Pendennis Headland
  - Highway Roundabouts
  - The Council's tree stock
  - Webber Street Border
  - Council owned or managed planted borders and verges
  - Highway Weed Control
2. To keep under review and ensure safety compliance of all Council property and Council managed property for the resident of Falmouth including:
  - Municipal buildings, The Moor (including former Webber Street toilets)
  - Princess Pavilion
  - Old Post Office, The Moor (Council Offices)
  - Cemetery Lodge, Chapels and Mortuary at Falmouth Cemetery
  - Kimberley Park Lodge and sheds
  - Public Toilets at Kimberley Park, Prince of Wales Pier, Grove Place, Castle Beach, Gyllyngvase Beach, Swanpool Beach and Maenporth Beach
  - The Moor Piazza
  - Church Street Car Park
3. To oversee and manage grounds maintenance workforce and contractors, including cleansing and operational staff.
4. To oversee and manage the inspection and safety regime for all sites and facilities, and ensure safe working practices for the officers involved in the maintenance and cleansing of these sites and facilities.
5. To manage the use of the Council's playing fields and parks by sports clubs which shall include the grant of licences.
6. To oversee the operation of the seaweed removal protocol from the Town's beaches with Cornwall Council
7. To lead and approve tenders for all aspects of maintenance and ground works in accordance with the town Council's financial regulations.



8. To undertake environmental enhancements and street cleansing, including small improvements.
9. To prepare funding bids, work with funding bodies and project manage site redevelopment works.
10. To ensure the Council's vehicles and machinery are all well maintained and used safely.
11. To set an annual schedule of fees and charges for the use and hire of pitches and facilities.
12. Consideration, recommendation and implementation of internal organisational improvements for environmental sustainability.
13. Creation and overview of emergency and environmental plans.
14. Consideration, recommendation and implementation of external measures in regard to community partners and local environmental initiatives.
15. Ensuring reducing consumption, improving biodiversity, improving behaviour and circularity are priority actions in Council service delivery.
16. Ensuring leadership, being a local force for good and mitigating for the climate emergency are reflected in Council decision making.

## **STAFFING COMMITTEE**

Is appointed to make decisions about all staffing matters, subject to employment law, budget and expenditure limits decided by the Council.

Membership:	6 (with a training requirement to serve)
Quorum:	3
Meeting frequency:	Quarterly
Attending Officers:	Town Clerk and HR Manager

NB: Membership to include the Town Mayor and the chairs of the Finance and General Purposes Committee, the Cultural Services and Leisure Committee and the Grounds Facilities and Environmental Action Committee.

### Terms of Reference:

1. To establish and keep under review the staffing structure in consultation with the Finance and General Purposes Committee.
2. To implement, review, monitor and revise policies for staff.
3. To establish and review salary pay scales for all categories of staff and to be responsible for their administration and review.
4. To ensure there are appropriate systems for the recruitment and appointment of staff, including agency staff where necessary.
5. To ensure the Council is compliant regarding current employment law and best practice.
6. To ensure there is a system of annual appraisals and staff learning and development programmes.
7. The Committee chair and vice-chair to appraise the Town Clerk.
8. To keep under review staff working conditions, and health and safety matters.
9. To make recommendations on staffing related expenditure to the Finance and General Purposes Committee as Part of the budget setting process.
10. To consider any appeal against a decision in respect of pay or changes to terms and conditions.
11. To act as an appeal body as required for employment matters. The Committee to be divided in consideration of the matter, so that fresh eyes are retained for any subsequent appeal.

## **PLANNING AND LICENSING COMMITTEE**

As directed by Standing Order 5 (g) and (h) to consider the impact of development in Falmouth as consulted by the Planning Authority, including such matters as highways, lighting, trees, transport and enforcement, and to consider the impact of licensing in Falmouth, including premises, alcohol, late night refreshment houses, public entertainment, street trading, highway licences, hackney carriage etc.

Membership:	8 (with a training requirement to serve)
Quorum:	3
Meeting Frequency:	3 Weekly
Attending Officers:	Administrative Officer
NB	2 supporting Vice-chairs if required, one for planning matters and one for licensing matters

### Terms of Reference:

1. To consider and respond to all planning applications notified by the Planning Authority in accordance with the Council's Policies and National and Local Planning Development Framework Guidance, being cognisant of the Falmouth Local Plan direction and policies.
2. To consider all matters of strategic planning.
3. To authorise the Chair (or appointed deputy) to attend to represent the Council at relevant meetings of the Planning Authority, Inquiries and Appeals.
4. To allow the attendance and participation of public at meetings subject to the Council's Public Speaking Protocols.
5. To make recommendations in regard to street naming proposals in Falmouth.
6. To consider all matters relating to public paths, highways and traffic management including car parking.
7. To consider and notify matters of planning enforcement and breaches of planning control.
8. To consider matters relating to Tree Preservation Orders in Falmouth
9. Unless considered by the Council to respond to strategic and policy consultation by Cornwall Council in regard to planning and land use matters.
10. To consider all licensing matters and applications in Falmouth and make representations to the Licensing Authority
11. To work with the Police Licensing Officer in determining local responses on licensing applications and matters, to ensure nuisance and anti-social behaviour are not created or exacerbated by licensing applications
12. Be cognisant of local directions including the Cumulative Impact Zone
13. Invite licensing applicants, supporters and objectors to attend and/or make representations to the Committee
14. To authorise the Chair (or appointed deputy) to attend to represent the Council at relevant meetings of the Licensing Authority, Inquiries and Appeals



# Scheme of Delegation

## Falmouth Town Council

### Introduction

This scheme of delegation sets out how the Council delegates some of its powers and duties to the Town Clerk and other Officers within the Council. These delegations are necessary for the effective day to day running of the Council and to prevent every decision having to come to a Council meeting for agreement. This scheme of delegation will be reviewed by Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

The Town Clerk is the Council's Proper Officer and is responsible for the management of the Council. Separately the Council has appointed a Responsible Financial Officer.

The Town Clerk and the Responsible Financial Officer may delegate these duties and powers to other officers identified within the Council's Senior Management Team, namely:

- Town Manager (and Deputy Proper Officer)
- Cultural Services Director
- Administrative Officer
- Grounds Manager
- Facilities Manager
- General Manager – Princess Pavilion
- Human Resources Manager

This Scheme should be used in conjunction with the terms of reference and delegation of functions to the Council's Committees which are listed separately. As well as statutory obligations and regulations in force at the time.

**Mark Williams FCG FSLCC**  
**Town Clerk**

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The Scheme of Delegation was reviewed in May and December 2023, and approved in May 2024.

### **Extent of Delegation**

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Town Clerk will exercise these powers in accordance with:

- approved budgets
- the Council's Standing Orders and Financial Regulations
- the Council's Policy Framework Strategic Plan and other adopted policies of the Council
- all statutory common law and contractual requirements

The Town Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function the name of the Town Clerk

A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

### **General Delegations**

The Town Clerk is authorised to undertake the duties of the Proper Officer as directed by Council Standing Order 16 and as required by Section 112 of the Local government Act 1972. Managing the operation of the Council and all of its services including:

- Sign, or where appropriate, have sealed on behalf of the Town Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council.
- Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- Institute and appear, or ensure representation, in any legal proceedings authorised by the Council.
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest or instruct an agent so to do (in its own right or on behalf of the citizens of Falmouth).
- To call extra meetings of the Council or any committee as necessary, having consulted with Town Mayor or relevant Committee Chair.
- Cancel or alter the date or time of a Council Committee, or other meeting but, before doing so, shall consult the Mayor of the Council, or chair of the Committee or meeting concerned.
- Deal with day-to-day matters relating to the use of council property, services, or office accommodation space.
- Negotiate and enter into contractual arrangements in relation to events held in Falmouth organised by the Town Council.
- Services agreed under contract for other authorities and bodies.
- Websites and social media accounts relating to the council and council activities.
- To consider and grant dispensations (section 33 Localism Act 2011) to Councillors to take part in Council business where they would otherwise be prohibited because they have a disclosable pecuniary interest.

- To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- To apply for planning consent for the carrying out of development by the Council.
- To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.
- Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- To respond to complaints made under the Council's complaints procedure and to make such ex-gratia payments in settlement of such complaints as are considered justified, subject to ratification by an appropriate Committee.

## **Financial Management**

The Responsible Financial Officer shall act for Council for the purposes of Section 151 of the Local Government Act 1972 under Standing Order 17 and in accordance with Standing Orders 18 and 19 and The Council's Financial Regulations. Including:

- Operate the Council's banking arrangements including arranging overdrafts.
- Incur expenditure up to a maximum as set by Financial Regulations on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.
- Undertake payroll administration, including pensions, and make employee contracted payments.
- Pay all accounts properly incurred.
- Pay all subscriptions to organisations to which the Council belongs.
- Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- In consultation where appropriate with the relevant Chair, introduce, set, and vary as necessary fees and charges for the delivery of Council services and for the issue of any license, registration, consent, or approval.
- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- Incur expenditure on revenue items within the approved estimates and budgets.
- Incur expenditure on capital schemes within the Council's approved capital Programme.
- Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles, or equipment.
- Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.
- Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to: the cost not exceeding the approved estimate; the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation; all the requirements of the Council's Financial Regulations being complied with.
- Insure all the requirements of the Council's external funders and lenders are complied with.
- Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- Manage investments and raise and repay loans as appropriate and obtain such other to manage, monitor and review the Council's internal control procedures.
- To manage, monitor and review the Council's Corporate Risk Management Strategy.

- To arrange sources of credit as are required in accordance with the Financial Regulations.
- Authorise action for the recovery of debts.
- Write-off debts up to the level set by the Council.
- Maintain a Register of Assets and Inventory of Equipment.
- Determine the Town Council's insurance requirements on the Council's behalf.
- Make all necessary arrangements for the Council's insurances.
- Prepare a draft budget for consideration by the Council.
- Prepare the final accounts for each financial year.
- Manage the Council's credit cards.
- Manage the Council's fuel cards.

### **Staffing matters**

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures, and budget, including:

- Day to day supervision and control of all staff employed by the Council.
- Appointments to posts including employees and casual workers.
- Employment of permanent, fixed and temporary employees.
- Employment of casual workers and agency workers.
- Preparation of vacancies including job description and person specifications; job advertisements; applications pack; shortlisting; interview arrangements; appointment; offer.
- Put induction arrangements in place.
- Management of staff performance appraisals.
- Control of discipline and performance, including the power of suspension and dismissal.
- Exercise of disciplinary, capability and grievance procedures in accordance with the Council's procedures.
- Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
- Approve or refuse applications for re-grading and to authorise salary increments and accelerated increments.
- Approve payment of overtime.
- Agree changes or variations to employment contracts in accordance with guidance and legislation.
- Implement and monitor the arrangements for annual leave, flexible working, sickness absence, maternity, and paternity leave in accordance with the Council's policies.
- Authorise training in line with the Council's policies.
- Authorise the provision of uniforms or protective clothing.
- Approve payment of claims from employees for compensation for loss of or damage to personal property.
- Negotiate and agree settlements on behalf of the Council, including in relation to any proceedings associated with an Employment Tribunal.
- Agree to ill health early retirement in conjunction with occupational health and pension provider advice, guidance and certification.
- Terminate employment during probation.
- Undertake redundancies in accordance with guidance and legislation.
- Commission occupational health and health and well being services.
- Commission legal and professional advice on staffing matters.

## **Property Matters**

The Town Clerk is given authority to manage the land and property of the Council including:

- Agreeing the terms of any lease, licence, conveyance, or transfer.
- The granting or refusal of the Council's consent under the terms of any lease.
- Variations of restrictive covenants of a routine nature.
- The granting of easements, wayleaves, and licences over Council land.
- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- Directing the custody of Town Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
- Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **Reserved Matters**

The following are matters for the Council to decide, notwithstanding that the appropriate committee(s) may make recommendation thereon:

- Appointment of the Town Clerk
- Appointment of the Responsible Financial Officer
- Setting the precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending, or revoking Standing Orders, Financial Regulations, or the Scheme of Delegation
- Making orders under statutory powers
- Making, amending, or revoking bylaws
- Matter of principle or policy
- Nomination and appointment of representatives of the Council to any other authority, organisation, or body (excepting approved conferences or meetings)
- Any proposed new undertakings (following a recommendation from the Clerk)
- Responses to legislative or other allied consultations
- Prosecution or defence in a court of law other than an employment tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to committee.
- To co-opt members to fill casual vacancies where the Council are authorised to do so by Cornwall Council.

## **Urgency**

The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Town Mayor and the Chair(s) of any relevant Committee are to be consulted where possible before such action is taken.

## **Emergency Planning**

The Town Clerk is authorised to implement the Council's Emergency Plan and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations.



Any such action is to be reported to the next meeting of the Council or relevant Committee. The Town Mayor, and the Chair of any relevant Committee are to be consulted where possible before such action is taken.

### **Procedural**

The Town Clerk can:

- Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Constitution and Financial Regulations.

### **Health and Safety at Work**

The Town Clerk is authorised to oversee the discharge of the Council's responsibilities under the Health and Safety at Work Act 1974.

### **Legal proceedings**

The Town Clerk is authorised to:

- Take and discontinue legal proceedings in any Court or at any Tribunal.
- Take Counsel's advice or instruct Counsel to represent the Council.
- Seek injunctions and commence proceedings for the purposes of enforcement in accordance with the Council's policies - recovering money due to the Council - recovering or otherwise preserving possession of the Council's land or property - defending the interests of the Council - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
- Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- Serve Requisitions for Information.