



**LOOE TOWN COUNCIL**

**MINUTES OF THE PROCEDURES COMMITTEE MEETING**

Held in Tourist Information Centre, The Guildhall, Fore Street, East Looe  
On Tuesday 17<sup>th</sup> February 2015 at 7.00pm

**REPORT TO COUNCIL**

**PRESENT:**

Chairman – Cllr R Hendy  
Councillors Mrs E Hannaford  
and Mrs M Powell

**OFFICERS**

Town Clerk – Mrs Anne Frith

		<b>ACTIONS</b>
59.	<b><u>APOLOGIES</u></b> Apologies for absence were received from Councillors D J Bryan, J R B Dingle and M Gregory.	
60.	<b><u>TO RECEIVE DECLARATIONS OF INTEREST</u></b> Cllr Hendy declared an interest in any matter raised concerning East Looe Town Trust.	
61.	<b><u>MATTERS ARISING FROM THE MINUTES OF THE MEETING OF 20<sup>th</sup> JANUARY 2015</u></b> .1 <u>Ref Min No: 52.4 – Freedom of Information Requests – Charging</u> Cllr Mrs Hannaford had provided information as requested and this was discussed, however the Chairman stated that he was not sure how this would fit into a policy and needed to understand it before any further action. Cllr Mrs Hannaford stated that the information provided was a policy, we have to follow the Act and it is all about how we deal with requests for information, the information provided is a statement that this Council commits to making information available to the public and this is how we do it. The matter was deferred to the next meeting. Cllr Mrs Hannaford also stated that, in her opinion, the Quality Status logo should be removed from all locations as the	To go on the Agenda for the next Meeting

	<p>accreditation has now expired and that she is not sure the Council would meet the criteria for a Quality Council at this stage.</p> <p>Cllr Mrs Hannaford proposed that this recommendation be put to Full Council for discussion, seconded by Cllr Hendy it was unanimously agreed.</p> <p><u>.2 Ref: Min No: 53 – Investment Strategy &amp; Policy</u></p> <p>The Clerk was asked to produce this for the next meeting.</p> <p><u>.3 Ref Minute Nos 54 &amp; 58.1 – Risk Management and Mr D Gamblin</u></p> <p>These matters are ongoing. The Clerk reported that all Councillors have been asked for a specific Council email address.</p>	Clerk to produce
62.	<p><b><u>TO UPDATE ON IMPLEMENTATION OF FINANCIAL REGULATIONS</u></b></p> <p>The Chairman reported that Mr Steve Morton has completed a gap analysis and identified areas that require work. The priorities are:</p> <ul style="list-style-type: none"> <li>a) Create business case for spend</li> <li>b) Create timetable for reviews and action points</li> <li>c) Staff reviews</li> <li>d) Credit references for cheque signatories</li> </ul> <p>Cllr Hendy was asked to send copies to Cllrs Mrs Hannaford and Mrs Powell.</p>	Cllr Hendy to circulate Mr Morton's findings
63.	<p><b><u>TO UPDATE ON THE IMPLEMENTATION OF THE TRANSPARENCY CODE</u></b></p> <p>The Chairman reported that Mr Rose had worked hard on this and identified gaps that require working on. The sticking point at the moment is the Council website, this is to be updated and then the required information can be put onto the website.</p> <p>Cllr Hendy had put together a business case for the updating of the website which needs to be clearer and more user friendly, he recommended that our current webmaster be asked to produce a new website as it has been ascertained that he would charge £600 which is good value for money.</p> <p>Cllr Mrs Hannaford stated that two more quotations be sourced and suggested the Voice Group, Chris Halls and Herodsfoot Webworks.</p> <p>Cllr Hendy referred to the Financial Regulation which allows the Council to continue with our current webmaster but, after further discussion, it was agreed that two more quotations be sourced.</p>	Clerk to source two more quotations
64.	<p><b><u>TO UPDATE ON PROPOSED IT SYSTEM</u></b></p> <p>The Clerk was asked to contact our current IT system provider, Doc Morrow, to ask for advice and costs.</p>	

65.	<p><b><u>TO DISCUSS COUNCIL POLICIES</u></b></p> <p>The Chairman explained that there are numerous policies to put in place and he had produced a list which was circulated. Cllr Mrs Hannaford volunteered to write to Community Chest Grant policy.</p> <p>Cllr Hendy agreed to circulate the list to all members.</p> <p>.1 <u>Media Publicity Policy</u></p> <p>Cllr Hendy produced an amended version of the policy adopted by Council on 1<sup>st</sup> June 2011 for discussion explaining that it has been amended to incorporate social media.</p> <p>The amended document was discussed and it was unanimously agreed that it should be put to Full Council with the Recommendation for Adoption.</p>	<p>Cllr Mrs Hannaford to produce a Community Chest Grant policy</p> <p>Cllr Hendy to circulate list</p>
66.	<p><b><u>TO CONTINUE THE REVIEW OF THE STANDING ORDERS</u></b></p> <p>The Committee continued the review from Standing Order 23.</p> <p>.1 <u>Ref S/O 28 – Accountability</u></p> <p>Cllr Mrs Hannaford queried the Terms of Reference regarding the Staffing Committee stating that, in her opinion all Councillors should be allowed to attend Staffing Committee meetings especially if they are a complainant. The Clerk was asked to seek advice on this matter from Cornwall Council Legal &amp; Members Services, CALC and the SLCC.</p> <p>The remainder of the Standing Orders were reviewed and all suggested amendments were approved subject to the few changes suggested during the discussions and unanimously agreed that the revised Standing Orders should now go to the Full Council with the recommendation for Adoption.</p>	<p>Clerk to seek advice</p> <p>Cllr Hendy to make the appropriate amendments</p>
67.	<p><b><u>MATTERS REFERRED FROM OTHER COMMITTEES</u></b></p> <p>There were no matters referred.</p>	
68.	<p><b><u>MATTERS FOR FURTHER OR URGENT DISCUSSION</u></b></p> <p>.1 <u>Risk Assessment produced by Mr Morton</u></p> <p>Cllr Hendy explained that the document produced covers all risks, not just the financial risks. He suggested that it be broken down into categories for clarity. He also stated that a decision needs to be made as to which Committee takes ownership of the document.</p> <p>Cllr Mrs Hannaford suggested that an extra column be added to show which Committee takes ownership of each category, this was agreed.</p> <p>Cllr Hendy then suggested that the document be referred to the Finance and Works Committee for review as work in progress.</p> <p><b>The Meeting closed at 8.55pm</b></p>	



# LOOE TOWN COUNCIL

## STANDING ORDERS

### Section 2: Looe Town Council Specific Standing Orders

#### 1. Meetings

- 1.1 Meetings shall be held at 7pm at The Guildhall, Millpool Centre or other suitable local venue as determined by the Town Clerk.
- 1.2 The Annual Meeting of the Council will be followed by an Ordinary Meeting of the Council.
- 1.3 The regular Ordinary Meetings of Council shall be held on the second Monday following the Annual Meeting and on each subsequent sixth Monday until the December Meeting which shall be held on the fourth Monday after the previous regular date. Thereafter, Ordinary Meetings shall be on each sixth Monday. Where the regular date of a Meeting is on a Bank Holiday, the Meeting shall take place on the following day.

#### 2. Order of Business

- 2.1 Subject to Standing Orders Part 1, 6e, at each Annual Meeting of the Council the first business shall be
  - a. To elect a Town Mayor, who will act as Chairman of the Council.
  - b. To elect a Deputy Mayor, who will act as Vice-Chairman of the Council.
  - c. In the ordinary year of election of the Council, fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - d. Following the election of the Town Mayor and Deputy Mayor, who will act as Chairman of the Council and Vice-Chairman of the Council respectively, the business of the Annual Meeting shall be in accordance with Standing Orders Part 1, 6j.
  - e. Subject to Standing Orders Part 1, 6j, after the first business of the Annual Meeting has been completed the order of business shall include the receipt of declarations of Disclosable Pecuniary Interest or Non Registerable Interest.

f. In addition, and subject to the requirements of Standing Orders Part 1, 3 the business of Ordinary Meetings of the Town Council that are not an Annual Meeting shall include (but not be limited to):

- approval of the minutes of previous meetings of the Council
- disclosure of Disclosable Pecuniary Interests or Non Registerable Interests.
- to receive reports from a representative of the Police for Looe
- to receive reports from Cornwall Councillors representing East and West Looe
- to receive a report from a representative of Looe Community Academy
- to receive reports from committees and sub-committees of the Council and approve recommendations made by such bodies
- approval of payments made by the Council

### **3. Urgent Business**

3.1 A motion to vary the order of business on the grounds of urgency may be proposed by the Chairman or by any Member and, if proposed by the Chairman, may be put to the vote without being seconded and without discussion.

### **4. Voting on Appointments to Outside Bodies**

#### **4.1 Outside Body Representation**

a. The Council can take up representative positions on bodies or organisations that are not part of the activities of the full Town Council or any of the standing committees.

#### **4.2 East and West Looe Town Trust**

a. The Council can have 3 representatives with voting rights on West Looe Town Trust and 4 with voting rights on East Looe Town Trust. Representation is for 4 years. [currently this period is not related to the 4 year period Councillors are usually elected to serve but could change subject to council requirements in the future and in agreement with the Trusts]. When the period of representation is due to end, the respective Trusts must notify the Council at least 3 months prior to completion.

b. Should a Trustee resign before the end of the 4 year period, the new representative will be required to serve the remaining period of the original 4 year appointment.

c. If either Trust favours the current representative continuing in their role, then the Trust should send a letter of support. On receipt, the Clerk should contact the current representative to confirm their willingness to serve another term. Whilst it is in order for the Clerk to treat this letter as a nomination by that Trust, a formal nomination by a councillor to Full Council will still be required along with a seconder. However there is no automatic right for the current representative to continue as a council nominated representative.

- d. In the case of a non-Councillor Trustee elected by the Council whose term of office is due to expire the relevant Trust should notify the Council together with a letter of support.
- e. When the Council has received notification that the period of representation is due to end, the Council should in the first instance determine whether a councillor wishes to be nominated to the outside body. Should no councillor wish to be nominated then by use of notices on the council notice boards, council website, advertising, press release, word of mouth and email to all known town organisations, inform the local community that there is a vacancy for a Council nominated representative. Nomination can be made in the following ways:
  - By the nominee themselves
  - By a member of the public
  - By the respective Trust
  - By a Town Councillor [this nomination can be for a member of the public or for a serving Town Councillor].
- f. Whilst a nomination can be made verbally, either at a meeting of Full Council or to the Town Clerk, all nominations must be confirmed in writing to the Town Clerk. So that there is fairness and uniformity in the nomination process, a standard application letter should be completed stating the reasons, and qualifications, for the nomination to the Trust.
- g. Should a Councillor undertake representation, and that Councillor either resigns or is no longer a Councillor, it may be possible for them to continue as a Council representative. If this is the case, the former Councillor must confirm in writing to the Clerk that they wish to continue as a Council representative. In such cases, it will be for Full Council to consider whether it is appropriate for that person to continue to represent the Council. Care should be taken when considering such action, especially if it would result in not having a serving Councillor on either of the Town Trusts.

#### **4.3 Procedure For The Election Of Councillor/s to Outside Bodies**

- a. Should a Councillor or Councillors be the only nomination[s] then it will not be necessary to undertake a formal interview process as outlined below. The nomination[s] for a representative should be discussed at a meeting of Full Council, and the normal appointment process should be followed. If there are 2 or more nominations for a single vacancy, then nominations must be proposed and seconded and a formal vote taken. In such circumstances it is in order for a paper ballot to be undertaken, rather than the normal show of hands. Should this result in a 50/50 split vote, then the Chairman will have the casting vote. Should the Chairman himself be a member of the nomination Trust, then he should delegate this responsibility to the Vice Chairman or in his absence the Chair of the Finance and Works Committee.

#### **4.4 Procedure For The Election Of Co-Opted Non Councillor/s**

- a. Once nominations have closed, the Town Clerk will arrange for nominees to be interviewed by a panel consisting of the Chairmen of each of the

Council's Standing Committees and the Mayor. The letter of invitation to explain:

- The interview process; and
  - The role of a representative, their responsibilities and accountability to the Looe Town Council Code of Conduct when representing the Town Council.
- b. To ensure that the interviews are undertaken fairly, the same panel member will ask each nominee the same question. Supplementary questions may also be asked to ensure clarity and avoid misunderstanding. Following interviews, the panel will decide which nominee should be recommended to Full Council. The Town Clerk should then inform the successful nominee to attend the next Full Council meeting when their nomination will be ratified. On ratification, the representative will be required to sign a letter of acceptance, together with acceptance of the Looe Town Council Code of Conduct. The respective Town Trusts being responsible for administering any training, explaining legal responsibilities and requirements etc.
- c. If the applicant declines the nomination then the interview panel should consider whether it is appropriate to:
- Nominate the next listed nominee;
  - Re-interview the nominees in order to nominate another applicant; or
  - To start the entire process again.
- d. If after interviews have been conducted and it is considered there was a not a suitable nominee then it will be necessary start the process again. It is recommended that the interview panel does not consist of a current representative[s] of the same Trust or any Town Councillor[s] who served on the same Trust within the previous 12 months.

#### **4.5 Other Community Organisations**

- a. Council representation also covers the appointment of representatives to other community bodies or organisations.
- b. Representation on these is only undertaken by serving Town Councillors. Appointment of representatives would normally take place every year in May, when the Annual Meeting of the Council is held. The appointment of representatives should follow the normal practice of the Council when electing officers etc, that is, a nomination should be made and seconded, then a vote of the Full Council undertaken.

#### **4.6 Conduct**

- a. The Council representative will conduct themselves in accordance with Looe Town Council Code of Conduct.
- b. Should the outside body and/or Town Council consider that the behaviour and/or conduct of the representative to be not in accordance with the Code of Conduct and therefore unacceptable, they should inform the Town Clerk accordingly, giving due reason.

- c. If such a concern or complaint is made, the Town Clerk should take appropriate legal advice and refer the matter to the Staffing Committee for consideration whilst keeping the outside body fully informed. Following investigation and subject to Standing Orders Part 1, 15 (Code of Conduct Complaints) and any legal advice given, any proposed action should be by agreement between the Staffing Committee and the outside body concerned, following which a recommendation should then be made to Full Council. This also applies where a request to remove or suspend the representative with immediate effect has been made. Should this situation arise the Town Clerk must inform the representative and outside body that until the matter has been resolved they should not attend any further meetings or functions of the outside body until notified otherwise.

## **5. Councillor Training**

- 5.1 All newly appointed Councillors must undertake formal induction training and, as soon as possible, attend a Code of Conduct Training Programme as organised by Cornwall Council or CALC.

## **6. Committees and Sub Committees**

- 6.1 Subject to Standing Orders Part 1, 5 the Council shall at the Annual Meeting appoint Standing Committees or other Committees as may be necessary and may at any other time appoint other Committees or sub-committees but subject to any statutory provision, the Council:
  - a. Shall not appoint any Member of a Committee to hold office later than the next Annual Meeting.
  - b. May subject to the provisions of Standing Orders Part 1, 5d(xii) at any time dissolve or alter the Membership of a Committee.
  - c. The Standing Committees shall be:
    - The Staffing Committee
    - The Procedures Committee
    - The Finance & Works Committee
    - The Environment & Public Protection Committee
    - The Planning Committee
    - The Town Tourism Committee
  - d. The Town Mayor ex officio shall be a voting Member of every Committee and sub-committee.
  - e. Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
  - f. Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.

## **7. Committees: Terms of Reference**



## **7.1 The Staffing Committee, Terms of Reference**

- a. The Staffing Committee will consist of the Chairman of all other Council Standing Committees, but not Sub-Committees, together with the Mayor who will also be chair of the Staffing Committee.
- b. The Staffing Committee is responsible for dealing with, and advising upon, all staffing, employment and employee matters including (but not limited to) staff appraisals and reviews, employee requests, complaints against employees, complaints against appointed or co-opted representatives to outside community organisations, disciplinary matters and grievances.
- c. The Staffing Committee will meet as and when required to deal with matters arising within its terms of reference. Due to the sensitive and confidential nature of the business transacted, meetings of the Staffing Committee will not be open to other members of the Town Council, nor to members of the press or media nor to members of the general public.
- d. Dissemination of information regarding the business of the Staffing Committee, including reports, personnel records and minutes of meetings will be governed by the Data Protection Act.

## **7.2 The Procedures Committee, Terms of Reference**

- a. The remit of the Procedures Committee is to ensure the Town Council meets and complies with all the current and future legislation surrounding it together with the maintenance and adherence of The Code of Conduct and Standing Orders and to:
  - Refer any matter on expenditure to The Finance & Works Committee
  - Make recommendations to Council on Council Policy
  - Make recommendations to Council on new or amended legislation
  - Make recommendation on procedure for Civic occasions.

## **7.3 The Finance & Works Committee, Terms of Reference**

- a. This Committee has the responsibility of examining the Council finances and making recommendations for the control of raising money, through the annual precept, and its spend and to:
  - Refer any matter directly to other Committees.
  - Pass any legal Resolution in respect of expenditure and within its brief, but reserving to the Council:
    - i. The setting of the Precept.
    - ii. Any item regarding expenditure up to a maximum of £2,000.00.
    - iii. Any item regarding expenditure which has not in principle been included in the Annual Budget and make recommendation to Full Council.
    - iv. Review the Financial Regulations and Council Governance annually, prior to the Annual Meeting.
    - v. Make any recommendation to Full Council, particularly in respect of compliance with Financial and Audit Regulations.

#### **7.4 The Environment & Public Protection Committee, Terms of Reference**

- a. The remit of the Environment & Public Protection Committee is a broad one and essentially covers all aspects of the environment and public safety as each applies to the town of Looe and to residents.
- b. The Environment & Public Protection Committee shall:
  - Refer any matter requiring financial expenditure directly to the Finance and Works Committee with or without a recommendation
  - Make any recommendation to Full Council regarding the environment within the town of Looe and any matter of public safety.
  - be responsible for ensuring that the Town Council meet all the requirements of the data protection laws in relation to the Town CCTV system.

#### **7.5 The Planning Committee, Terms of Reference**

- a. The Planning Committee shall consider all submissions of planning applications in accordance with current regulations, planning protocols and the Caradon Local Plan, 1<sup>st</sup> Alteration 2007 (where compliant with NPPF) and submit a recommendation to Cornwall Council Planning office. This recommendation could be:-
  - Approval – with comments or condition if required
  - Objection – with reasons
  - Site visit – with reason
  - Call in Applications – with reason for Cornwall Committee Decision
  - Make no observation or recommendation – with reasons.
  - Report any planning contraventions.
- b. The Planning Committee will also be responsible for the Neighbourhood Plan, Building Control, Local Development Order and community right to buy proposals. Liaison with Cornwall Council on decision dates and to obtain extensions from Cornwall Council where necessary. To make delegated decisions where necessary by the Chairman and one other councillor.

#### **7.6 The Town Tourism Committee, Terms of Reference**

- a. The remit of this Committee is to promote tourism and provide support for the Tourist Information Centre and;
  - To advise on all matters affecting or related to tourism and to raise awareness of Looe through the Tourist Information Centre together with the publication of a Looe Guide ensuring sustainable tourism.
  - To work with other organisations in the interests of Tourism
  - To make recommendations or requests for any item of financial expenditure to the Finance & Works Committee and Full Council
  - To advise Council on all matters relating to tourism.

## 8. **Inspection of Documents**

- 8.1 Subject to Standing Order Part 1, 12 and the requirements of the Data Protection Act,
- a. A Member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
  - b. Subject to Standing Orders Part 1, 12 and 20, All Minutes (other than those of a confidential nature and covered by the Data Protection Act) kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.

## 9. **Councillor Resignations**

- 9.1 Councillor Resignations shall be submitted in writing to the Mayor and will take immediate effect upon receipt in accordance with the Local Government Act 1972 Section 84.

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## **LOOE TOWN COUNCIL**

### **MEDIA & PUBLICITY POLICY**

#### **1. POLICY**

The Council is accountable to the electorate for its actions and shall therefore, as far as practical, keep the general public fully informed of its proposals, decisions, actions, activities and policies by means of regular notices, electronic communications, website updates, press releases and use of social media platforms.

The Council recognises the important role that the press and media plays in keeping the general public informed of current local events and shall therefore make every effort to build a good working relationship with such organisations and respond sympathetically and in a timely manner to requests for information from them regarding the Council's business.

All news and press releases made on behalf of the Town Council must be authorised by the Town Clerk after consultation with the Mayor, Deputy Mayor or Committee Chair as appropriate.

#### **2. PROTOCOL**

##### **2.1 Purpose**

This Protocol is to guide both Councillors and Officers of the Council in their relations with the Press and Media in such a way as to ensure the smooth running of the Council.

This protocol does not seek to be comprehensive but sets out to provide guidance on how to deal with some issues that may arise when dealing with the Press and Media.

A Councillor must observe the Town Council's Code of Conduct whenever he or she conducts the business of the Council, conducts the business of the office to which he or she has been elected or appointed and acts as a representative of the Council.

A Councillor must not disclose information that is of a confidential nature. This includes any use of social media or contact with the press or media regarding any item which has been discussed under confidential items on the Council's or Committees' agenda.

A Councillor should act with integrity at all times when representing or acting on behalf of Looe Town Council.

## **2.2 Dealing with the Press and Media**

Responses to the press or media relating to matters discussed by the Town Council shall be dealt with in the first instance by the Town Clerk. The Town Mayor/Committee Chairs are also authorised to give the views of the Council to the press or media on any non-confidential subject discussed by Council in liaison with the Town Clerk. Whenever possible any information given to the press or media shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting. At no time shall the personal views of either members or officers of the Council be given to the press or media in a way which could be interpreted as a view of the Council as a whole.

When dealing with news media Councillors should:

- be informed and certain of all their facts – if a Councillor is uncertain about the facts please refer the query to the Town Clerk
- ensure that when making comments on behalf of the Town Council they are aware what Council policy is and their comments reflect that policy
- be calm
- ensure that their comments and views will not bring the Council, its Councillors or its staff into disrepute and ensure that comments are neither libellous or slanderous

## **2.3 Issues to be Aware of**

Councillors should be aware that case law states that the role of councillor overrides the rights to act as an individual. This means that Councillors should be careful about expressing individual views to the press, whether or not they relate to matters of Council business. Councillors also have an obligation to respect Council policy once made. While it may be legitimate for a Councillor to make clear that he or she disagreed with a policy and voted against it (if this took place in an open session), they should not seek to undermine a decision through the press or media.

Councillors should be aware that when dealing with the press or media, statements made in all innocence may be presented to the general public in a manner different to that which was originally intended. It is strongly recommended that any statement or communication to the press or media be in writing prior to being expressed, to avoid ambiguity or mis-representation.

Adopted by Council on .....