

LOOE TOWN COUNCIL

KONSEL TRE LOGH

Standing Orders



Adopted by Council:
16th December 2025

Next review: 31st May 2026

Looe Town Council Standing Orders incorporating the NALC Model Standing Orders for England (revised 2020)

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Introduction

These standing orders are based on the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC) (revised 2020)

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

A council may make, vary or revoke standing orders for the regulation of its proceedings and business. Standing orders do not have the force of law: they are rather a set of rules governing the conduct of meetings although, if in force, they should be observed.

Local councils operate within a wide statutory framework. Standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for standing orders to contain or reference all the statutory or legal requirements which apply to local councils. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

Standing orders that are in **bold type** contain legal and statutory requirements. Standing orders not in bold are designed to help our council operate effectively but they do not contain statutory requirements

For convenience, the word “councillor” is used in standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

1. Rules of debate at meetings

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

the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which 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 chairman 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 or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under Standing Order 1(r), the contributions or

speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

See also Standing Order 13a

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

3. Meetings generally

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.** Meetings will be held at Looe Library and Community Hub, The Millpool, West Looe or other suitable local venue as determined by the Town Clerk. * Meetings will usually commence at 6.00pm.
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations and raise questions in person on any matter within the Council's remit, whether or not it is on the

agenda. Issues not on the agenda may not be debated or decided at that meeting, but may be referred to the Town Clerk for inclusion on a future agenda.

- f Alternatively, members of the public may submit written questions to be discussed at the meeting to the Town Clerk up to 72 hours before a meeting. A response will then be made in writing within 10 days
- g The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- h Subject to standing order 3(f), a member of the public shall be permitted to speak for a maximum of 5 minutes unless otherwise permitted by the Chair.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise their hand when requesting to speak
- k A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- n **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- o **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.**
- p **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- q **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the**

Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- s **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

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

- t **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.

Members can individually, if they so wish, have recorded in the minutes the way in which they voted on a particular question without having to invoke the above paragraph. However no personal comments or reasons for voting in a particular way are to be included.

- u The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent and who have sent apologies;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- v **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their**

right to participate and vote on that matter.

- w **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.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- x **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.**

- y **A meeting shall not exceed a period of 2 hours without a formal resolution by those present to extend the length of the meeting. Only one such resolution is permissible at any meeting and the agreed extension of time shall not exceed 30 minutes.**

4. Committees and sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Town Mayor and Deputy Mayor ex officio shall be a voting Member of every Committee. Council Members not appointed to a Committee may attend any meeting of that Committee (with the exception of meetings of the Staffing Committee) and may make representations, answer questions and give evidence as a member of the public but shall not be entitled to enter into the discussions of the Committee or Sub Committee and shall not be entitled to vote on the business of the Committee unless co-opted by the Chair. A member may not be Chair of more than one standing Committee
- e Budgets: Committees, with the exception of the Staffing Committee, can exercise delegated powers only if there is budgetary provision for any proposed expenditure. They can each secure funds within their overall budget in accordance with the provisions of the Council's Financial Regulations.

If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter firstly to the Finance & Strategy Committee, which will then make a recommendation to the Full Council. Each Committee with delegated powers shall be responsible for reviewing the budgetary provision for that Committee.

- f Committee Conflict: there may be occasions, particularly when there is conflict between Committees regarding which one has powers to deal with a particular matter. In such cases, the matter shall be referred to the Finance & Strategy Committee, and that Committee shall in turn make a recommendation or refer the matter to the Council. The Council shall then determine the matter.
- g Urgent/emergency matters which would normally be referred to a committee may be dealt with either:
 - i. through the convening of a special meeting or if, in the opinion of the Mayor, this is not practical,
 - ii. by an email poll of members of the Committee who must respond by the specified deadline for their vote to be valid, share their replies with all other Committee members and reply in at least the same numbers as constitute a quorum of the Committee or, failing resolution by this method,
 - iii. by the Town Clerk in consultation with the Chair of Committee (or in his/her absence the Vice Chair) and the Mayor.

Decisions taken either by method ii or iii above shall be subject to a report to the next appropriate Committee or Full Council meeting, whichever comes first, and, if a Committee, be duly reported to the next Full Council.

- h The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference; (Scheme of Delegation)
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its

- own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.
 - xiii. With the exception of those matters dealt with under delegated powers, all decisions made by committees are subject to confirmation by Council.
 - xiv. Decisions taken by sub-committees and working groups must be endorsed by their committees and by Council unless they have been given delegated powers.

5. Annual and Ordinary Council Meetings

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office and will be followed by the Annual Parish Assembly .**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 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 decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been**

re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.

- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman and Deputy Chair of the Council of their 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. Consideration of the recommendations made by a committee;
 - iv. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - v. Review of the terms of reference for committees and elect a Chair;
 - vi. Appointment of members to existing committees;
 - vii. Appointment of any new committees in accordance with standing order 4;
 - viii. Review and adoption of appropriate standing orders and financial regulations;
 - ix. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - x. Review of representation on or work with external bodies and arrangements for reporting back;
 - xi. In an election year, to make arrangements with a view to the Council becoming eligible or to continue to be eligible to exercise the general power of competence;
 - xii. Confirmation of arrangements for insurance cover in respect of all insurable risks;

- xiii. Review of the Council's and/or staff subscriptions to other bodies;
 - xiv. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- k At an ordinary meeting during each year, the business shall include
 - i. Review of the Council's complaints procedure;
 - ii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
 - iii. Review of the Council's policy for dealing with the press/media;
 - iv. Review of the Council's employment policies and procedures;
 - v. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence
 - vi. Review of inventory of land and other assets including buildings and office equipment;
- l 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 Cornwall Councillors representing East and West Looe
 - to receive reports from committees and sub-committees of the Council and approve recommendations made by such bodies

6. Extraordinary meetings of the council, committees and sub-committees

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

extraordinary meeting within 7 days of having been requested to do so by 3 members of the committee or the sub-committee, any 3 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. Voting on appointments

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

9. Motions for a meeting that require written notice to be given to the proper officer

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 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 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on

the agenda shall be final.

- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee 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 other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

11. Management of information

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal**

data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

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

12. Draft minutes

Full Council meetings ●
Committee meetings ●
Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read. Any proposed amendments shall be notified to the Proper Officer not less than 1 day in advance of the meeting.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the XXXX held on [date] in respect of XXXX were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the

accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest or that they have a non-registerable interest in. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - 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;**

- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office or any other legally compliant sanction.**

15. Proper officer

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

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman or Vice Chairman of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. refer a planning application received by the Council to the Chairman or in their absence Vice-Chairman (if there is one), of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the planning committee;
- xv. manage access to information about the Council via the publication scheme; and

- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16. Responsible financial officer

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

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30

June.

- f The Council will prepare written revenue and capital budgets for the coming financial year and approve these and set the annual precept at a meeting of the Council by the 31st January.

18. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in any manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer or by email clearly identified in the subject heading as a tender/confidential;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed

- vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the staffing committee is subject to standing order 11.
- b Matters pertaining to staff will be dealt with under relevant Council policies as appropriate to the matter under consideration.
- c Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- d In accordance with standing order 11(a), persons with line management responsibilities and the RFO shall have access to staff records referred to in standing order 19(f).

20. Responsibilities to provide information

See also standing order 21.

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

21. Responsibilities under data protection legislation

Below is not an exclusive list. See also standing order 11.

- a **The Council will appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**

- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. Relations with the press/media

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.

23. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
- c A register of such signed deeds shall be kept by the Proper Officer to include details of signatures of councillors

24. Communicating with district and county or unitary councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the County Council representing the area of the Council.

25. Restrictions on councillor activities

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 8 councillors to be given to the Proper Officer.
- c The Proper Officer shall make available the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

27. Procedure for the Election Of Councillor/s to Outside Bodies

Should a Councillor or Councillors be the only nomination[s] then it will not be necessary to undertake a formal interview process. 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 their absence the Chair of the Policy & Strategy Committee.

Council representation also covers the appointment of representatives to other community bodies or organisations.

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. When appointed the Council representative will conduct themselves in accordance with Looe Town Council Code of Conduct.

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.

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. 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

28. Councillor Training

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. All Councillors are required to undertake any appropriate training identified by the Council or committees or mandatory training as required. Councillors who become Chairman or vice Chair of the Council or Committees must undertake training in chairing a meeting and Councillors on the staffing committee must undertake training in employment and HR.

All Councillors should undertake the Code of Conduct training at least every 4 years and shall undertake such training within six months of the delivery of their Declaration of Acceptance of Office.

29. Inspection of Documents

Subject to 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 Section 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.

30. Councillor Resignations

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

31. West Looe Town Trust

- a. The Council can have 3 representatives with voting rights on West Looe Town Trust. In the event that a Councillor Representative is not nominated to be a trustee to serve on the Trust then the Trust shall be advised in writing, by the Town Clerk, and the Trust will then make its trustee appointment independently of the Town Council.
- b. 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 Trust]. When the period of representation is due to end, the Trust must notify the Council of the forthcoming vacancy at least 3 months prior to completion of the existing trustee term.
- c. Should a Councillor representative appointed to serve on the Trust resign or cease to be a Councillor then the appointment as Trustee on that Board will automatically cease and the Town Council shall commence the process to appoint a new Councillor representative.

- d. 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.
- e. If the Trust favours the current representative continuing in their role upon completion of their term of appointment, 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 the 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. 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.
- f. Should no councillor wish to be nominated as a Trustee then the Council shall sufficiently advertise the vacant position within the Looe community and start the process to appoint a co-opted representative. Nomination for co-option to West Looe town Trust can be made in the following ways:
 - By the nominee themselves
 - By a Councillor or member of the public
 - By the respective Trust
- g. 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.
- h. Should a Councillor undertake representation for West Looe Town Trust, 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 to that Trust. 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 West Looe Town Trust.

Adopted by Looe Town Council on 20th May 2025