

Luxulyan Parish Council

Standing Orders

For ratification — December 2024
(based on Model 2022)

Michaela Linfoot

Chair

Christine Wilson

Clerk to the Council

Items in **bold** are statutory requirements

- ◆ Full Council meetings
- ◆ Committee meetings
- ◆ Sub-committee meetings

List of Standing Orders

1.	Rules of debate at meetings	3
2.	Disorderly conduct at meetings	3
3.	Meetings generally	3
4.	Committees and Sub-committees	8
5.	Ordinary Council meetings	9
6.	Extraordinary meetings of the Council, committees and sub-committees.....	11
7.	Voting on appointments	12
8.	Motions for a meeting that require notice to the Proper Officer.....	12
9.	Motions at a meeting that do not require written notice.	13
10.	Management of information.....	14
11.	Draft minutes.....	14
12.	Code of Conduct and dispensations.....	15
13.	Code of Conduct complaints	17
14.	Proper Officer.....	18
15.	Responsible Financial Officer.....	19
16.	Accounts and accounting statements	19
17.	Financial controls and procurement.....	20
18.	Handling staff matters	22
19.	Responsibilities to provide information	23
20.	Responsibilities under data protection legislation.....	23
21.	Relations with the press/media	24
22.	Execution of legal deeds	24
23.	Communicating with County Councillors	24
24.	Restrictions on Councillor activities	24
25.	Standing orders generally	25
26.	Pandemic emergency measures	25

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 point of order shall be decided by the Chair of the meeting and his decision shall be final.
- d Before a motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated.

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 or persons moderate or improve their conduct.
- b 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. If this standing order is ignored, the Chair of the meeting shall request such person or persons moderate or improve their conduct.
- c If a person or persons disregards 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 or persons be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- d 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

- a Luxulyan Parish Council shall meet on the second Thursday of each month at 6.00 pm, unless otherwise decided.

- b The Council shall appoint the following standing committee and its Chair: Staffing. The Chair of the Council may not be the Chair of the Staffing committee.
- c The Staffing Committee shall receive any complaints or grievances concerning the Council's staff. The Chair of the Council may not attend meetings concerning complaints or grievances unless requested to do so by the Chair of the Staffing Committee.
- d The council shall appoint an Audit Panel, made up of Luxulyan Parish Council members only, to carry out financial internal control checks at least every quarter (i.e. April, July, October and January) and to advise the council on any financial matters, including budget.
- e When an extraordinary meeting is called, the Chair of that meeting has final say concerning the items on the agenda, in consultation with the Proper Officer and conforming to all statutory duties.
- 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 The Council must receive a letter or email from a candidate for co-option to the Council, which explains his or her reasons for wanting to join the Council. It need not be lengthy.

◆ Full Council meetings

◆ Committee meetings

◆ Sub-committee meetings

- h ◆ **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.**
- i ◆ **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 a bank holiday or a day appointed for public thanksgiving or mourning.**

- j ♦ **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.**
- k ♦ ♦ **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.**
- l Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- m The period of time designated for public participation at a meeting is at the discretion of the Chair of the meeting.
- n In accordance with standing order 3(m) 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.
- o The Chair of the meeting may at any time request that a person stand to address the meeting.
- p A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- q 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.
- r ♦ ♦ **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.

- s ♦ ♦ A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- t ♦ ♦ 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.**
- u ♦ Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-chair of the Council (if there is one).**
- v ♦ The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- w ♦ ♦ ♦ 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.**
- x ♦ ♦ ♦ The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he/she/they gave an original vote.**

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

- y ♦ Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against**

that question. Such a request shall be made before moving on to the next item of business on the agenda.

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

cc ♦ ♦ ♦ **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.

4. Committees and Sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of 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 before the meeting that they are unable to attend;

- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own Chair 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.

5. Ordinary Council meetings

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-chair (if there is one) of the Council.**

- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-chair of the Council, if there is one, unless he/she/they resigns 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, he/she/they shall preside at the annual 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 shall 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, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall 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 (if any) 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 Council's qualification for the General Power of Competence, if applicable;
 - iii. confirmation of the Council's voluntary compliance with the Transparency Code for Smaller Authorities;

- iv. appointment of Responsible Financial Officer;
- v. appointment of members and Chair of the Audit Panel and appointment of the Internal Control Check;
- vi. confirmation of bank signatories; direct debits, bank standing orders, and the list of beneficiaries;
- vii. appointment of members of the Staffing Committee and appointment of its Chair;
- viii. appointment members to Working Parties for various issues as needed;
- ix. appointment of Lead Councillors for various issues as needed;
- x. appointment of Council representatives on outside committees;
- xi. appointment of the trustees for the Luxulyan Memorial Institute charity and the Luxulyan Community Land Trust;
- xii. appointment of Councillors responsible for the notice boards;
- xiii. review of Councillor's contact details.
- xiv. review and confirmation of the ordinary meeting in the upcoming municipal year;
- xv. review and adoption of appropriate standing orders and financial regulations;
- xvi. review of the Council's other policies and procedures, as needed.

6. Extraordinary meetings of the Council, 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 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 Chair 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 Chair of a committee or a sub-committee does not or refuses to call an extraordinary meeting within three days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or sub-committee may convene an extraordinary meeting of a committee or sub-committee.

7. 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.

8. Motions for a meeting that require notice 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 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.
- c The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

- d Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

9. 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 a meeting.

10. Management of information

See also *standing order 19.*

- 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.**

11. 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 9(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 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, he/she/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 his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **◆ ◆ ◆ If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f If a recording of a meeting of the Council or any of its committees is recorded by the Clerk, the Clerk shall archive the recording for a period of one year, unless otherwise decided by the Council. **The signed minutes of the parish Council take precedence over the recording of the same meeting.**

12. Code of Conduct and dispensations

See also standing order 3(t) above.

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room for the time that the item is being discussed, including any part of the meeting where the public are entitled to speak.

- c If required by the Council's Code of Conduct, unless granted a dispensation, a Councillor or non-Councillor with voting rights who has an 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.
- d A Councillor who represents the Council on a committee for
 - the Luxulyan Village Hall, or
 - the Luxulyan Community Land Trust
 - the Luxulyan Memorial Institute
 - the Luxulyan Parish Community Fundneed not declare an interest in or request dispensation for matters concerning these bodies which are charitable and/or of benefit to the entire parish, unless there exists a personal pecuniary interest in the matter for himself or his family, or unless, upon consideration of the Code of Conduct, he/she/they feel it is best to do so.
- e **Dispensation requests shall be in writing and submitted to the Proper Officer.**
- f A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- g 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.
- h Subject to standing orders 12(e) and (g), dispensation requests shall be considered at the meeting of the Council, or committee or a sub-committee for which the dispensation is required.

- i **A dispensation may be granted in accordance with standing order 12(f) 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 or**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

13. Code of Conduct complaints

- a Upon notification by Cornwall 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 10, report this to the Council.
- b Where the notification in standing order 13(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair 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 13(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 Cornwall 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/her/them. Such action excludes disqualification or suspension from office.**

14. Proper Officer

- a The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) or (iii) a Council member 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(j) for the meaning of clear days for a meeting of a full Council and standing order 3(k) for the meaning of clear days for a meeting of a committee

- ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iii. **facilitate inspection of the minute book by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. hold acceptance of office forms from Councillors;
- vi. hold a copy of every Councillor's register of interests;
- vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection

- legislation, in accordance with the Council's relevant policies and procedures;
- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - ix. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - x. arrange for legal deeds to be executed;
See also standing order 22 below.
 - xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations; and
 - xii. manage access to information about the Council via the publication scheme.

15. Responsible Financial Officer

- a The Council shall appoint an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

16. 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 the Council, at least each quarter, a statement to summarise:
 - i. the Council's receipts and payments for each month or quarter;

- ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the month or 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, applying receipts and payments, 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.

17. Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 17(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts 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 in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

- v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public 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. NALC's procurement guidance contains further details.**

18. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council or any of its committees or sub-committees is subject to standing order 10.
- b The Chair of the Staffing Committee shall, upon a resolution, conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing committee.
- c Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair of the Staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee.
- d Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the Chair of the Staffing committee, this shall be communicated to the Chair of the Council, which shall be reported back and progressed by resolution of the Staffing committee.

- e Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f In accordance with standing order 10(d), persons with line management responsibilities shall have access to staff records referred to in standing order 18(e).

19. Responsibilities to provide information

See also standing order 20.

- 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 confirm at each annual parish meeting that it will publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

20. Responsibilities under data protection legislation

(Below is not an exclusive list).

See also standing order 10.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

21. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled by the Clerk, or person appointed by the Council, always in conjunction with the Clerk.

22. Execution of legal deeds

See also standing orders 14(b)(x) and (xi).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 22(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

23. Communicating with County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillors of Cornwall Council representing Luxulyan Ward and Lockengate Ward in the parish.
- b Unless the Council determines otherwise, a copy of each letter sent to Cornwall Council concerning a ward shall be sent to the Ward Councillor representing that ward (Luxulyan or Lockengate).

24. 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.

25. 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 The Proper Officer shall provide a copy of the Council’s standing orders to a Councillor as soon as possible.
- c The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

26. Pandemic emergency measures

- a When allowed by legislation, the Council may use online meeting software to conduct its meetings that 1) allows each member to be heard and (where practicable) seen by all attendees; 2) allows public participation during the public session; 3) allows the public to witness the meeting in real time; 4) allows the Council to close the meeting to the public when necessary, in accordance with the 1960 Public Bodies (Admission to Meetings) Act.
- b The agenda for any online meeting at which decisions are made will be posted on the Council website (and the notice boards if possible) three clear days before the meeting.
- c Voting will take place using non-verbal electronic icons on screen or as directed by the Chair.

oo

DATE: 12 December 2024 MINUTE REFERENCE: _____

CHAIR’S SIGNATURE: _____