



Standing Orders

Including:

- **Financial Regulations**
- **Committee Terms of Reference**
- **Procedure for the nomination of Mayor-elect and Deputy Mayor-elect**
- **Dispensation Procedure**

1 MEETINGS

- 1.1 Meetings of the Council shall be held in the Guildhall, Helston unless the Council otherwise decides. **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.**
- 1.2 The Annual Meeting in an election year shall be held on the second Tuesday following the fourth day after the ordinary day of elections to the Council, and in a year which is not an election year shall be held on the Tuesday preceding the third Thursday in May.
- 1.3 **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- 1.4 **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.** Members of the public shall be excluded from meetings of the Staffing Sub-Committee.
- 1.5 Subject to Standing Order 1.4 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda, or at Full Council to comment or ask questions on any matter associated with the Town Council.
- 1.6 The period of time which is designated for public participation in accordance with Standing Order 1.5 above shall not exceed 15 minutes unless the Mayor or Chair permits otherwise.
- 1.7 Subject to Standing Order 1.6 above, at monthly Full Council meetings each member of the public is entitled to speak to put questions to Members or the Police Officer or to make observations and shall not speak for more than 3 minutes unless the Mayor or Chair permits otherwise. At meetings of Committees and Sub-committees, each member of the public may speak once in respect of business itemised on the agenda and shall not speak for more than 3 minutes unless the Mayor or Chair permits otherwise.
- 1.8 In accordance with Standing Order 1.6 above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- 1.9 In accordance with Standing Order 1.8 above, the Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- 1.10 A record of a Public Participation session at a meeting shall be included in the Minutes of that meeting.

- 1.11 A person shall raise their hand when requesting to speak and at Full Council stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Mayor, or councillor presiding at the meeting, may at any time permit an individual to be seated when speaking.
- 1.12 Any person speaking at a meeting shall address their comments to the Mayor, if presiding, or the Chair.
- 1.13 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Mayor, if presiding, or Chair shall direct the order of speaking. Members must respect the Code of Conduct.
- 1.14 Only Helston Town Councillors and officers may speak during Full Council meetings unless an agenda item specifies otherwise, or this Standing Order is suspended by resolution.

Only Members of a Committee or Sub-Committee and officers of the Town Council may speak during meetings of that Committee or Sub-Committee unless an agenda item specifies otherwise, or this Standing Order is suspended by resolution.

- 1.15 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted** provided it does not interfere with the progress of the meeting.
- 1.16 **In accordance with Standing Order 1.4 above, the Press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- 1.17 **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor (or Chair) may in their absence be done by, to or before the Deputy Mayor (or Vice-Chair).**
- 1.18 **The Mayor, if present, shall preside at meetings of the Full Council. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent the most senior councillor present shall preside.**

In Committees, the Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

- 1.19 **Subject to Standing Order 1.25 below, all questions at a meeting shall be decided by a majority of the Councillors or councillors with voting rights present and voting thereon.**
- 1.20 **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (See also Standing Orders 2.8 and 2.9 below.)**

- 1.21 **Unless Standing Orders provide otherwise, voting on any 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.
- 1.22 **The Minutes of a meeting shall record the following:**
- i) **the names of councillors present and absent;**
 - ii) **the time and place of the meeting;**
 - iii) **interests that have been declared by councillors and non-councillors with voting rights;**
 - iv) **whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;**
 - v) **if there was a public participation session; and**
 - vi) **the resolutions made.**
- 1.23 Prior to a meeting, a Councillor should submit a reason for their absence, but this will not be announced with the apology.
- 1.24 **The Code of Conduct adopted by the Council shall apply to councillors and members of the public co-opted to serve on Committees and Sub Committees of the Council in respect of the entire meeting.**
- 1.25 **A councillor or 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.**
- 1.26 **All interests arising from the Code of Conduct adopted by the Council, will be recorded in the Minutes giving the existence and nature of the interest.** (*See also Standing Orders 7 and 8 below.*)
- 1.27 **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 3.**
- 1.28 **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.** Any outstanding business of a meeting so closed shall be transacted at a following meeting.
- 1.29 Meetings shall not exceed a period of 3 hours.
- 1.30 No meeting of the Council or its Committees shall be held on Maundy Thursday.

2 ORDINARY COUNCIL MEETINGS

- 2.1 **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office (see Standing Order 1.2).**
- 2.2 **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct (see Standing Order 1.2).**
- 2.3 The Annual Meeting Part I shall commence at 12 noon and Part II shall commence at 7.15pm the following Thursday.
- 2.4 **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- 2.5 **The election of the Mayor of the Council shall be the first business completed at the Annual meeting of the Council.**
- 2.6 **The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Annual meeting until his/her successor is elected at the next Annual meeting of the Council.**
- 2.7 **The Deputy Mayor, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next Annual meeting of the Council.**
- 2.8 **In an election year, if the current Mayor has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.**
- 2.9 **In an election year, if the current Mayor has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.**
- 2.10 Following the election of the Mayor and Deputy Mayor at the Annual meeting of the Council, the order of business shall be as follows:-
- i) In an election year, delivery by councillors of their Declarations of Acceptance of Office.
 - ii) To receive the report if the Police Officer in attendance.
 - iii) To receive verbal reports (maximum three minutes) from, and to put questions to, the Local Cornwall Councillors.
 - iv) To receive written reports and verbal update from, and to put questions to, the Community Link Officer.
 - v) To receive questions and observations from members of the public

- vi) To receive the Minutes of the previous Full Council meeting.
- vii) To receive the Minutes of Special Full Council meetings and Committee meetings.
- viii) To receive announcements and communications from the Mayor and Town Clerk.
- ix) To answer questions pursuant to Standing Order 8.1. (*below*)
- x) To consider matters at the request of Members.
- xi) To consider the report of the Town Centre Regeneration Officer
- xii) To consider the report of the Town Clerk.
- xiii) To authorise the payment of accounts.
- xiv) To fix the dates of Council Meetings for the ensuing year.
- xv) To re-appoint Trevenen Exhibition Governors.
- xvi) To appoint representatives to serve on the Council's Committees, Working Parties and Outside Bodies for the ensuing year.
- xvii) To note and appoint persons as Nominated Trustees to the Helston Welfare Trust.
- xviii) To receive reports on any meetings attended by Councillors or the Town Clerk as representatives of the Council since the last meeting.
- xix) Items for the next agenda.

2.11 On the fourth Thursday in February a Special Full Council meeting will be held to nominate the Mayor-elect and Deputy Mayor-elect for the following Civic Year following the procedure at Appendix III.

3 PROPER OFFICER

3.1 The Council's Proper Officer shall be either (i) the Town Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.

3.2 The Council's Proper Officer shall do the following:-

- i) **Sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**

- ii) **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- iii) Subject to Standing Orders 4.1 – 4.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it.
- iv) **Convene a meeting of the Full Council for the election of a new Mayor occasioned by a casual vacancy in their office, in accordance with Standing Order 3.2 i) above.**
- v) Make available for inspection the Minutes of meetings.
- vi) **Receive and retain copies of Byelaws made by other Local Authorities.**
- vii) **Receive and retain Declarations of Acceptance of Office from Councillors.**
- viii) Retain a copy of every Councillor's Register of Interests and any changes to it and keep copies of the same available for inspection.
- ix) Keep proper records required before and after meetings.
- x) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 in accordance with, and subject to, the Council's procedures relating to the same.
- xi) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii) Arrange for legal deeds to be sealed using the Council's common seal and witnessed (*See also Standing Orders 14.1 and 14.2*).
- xiv) Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations (see Appendix I).
- xv) Record every planning application notified to the Council and the Council's response to the Local Planning Authority.
- xvi) Ensure that all planning applications notified are dealt with in accordance with the Council's planning procedures.
- xvii) Retain custody of the Seal of the Council which shall not be used without a resolution to that effect.
- xviii) Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

4 MOTIONS REQUIRING WRITTEN NOTICE

- 4.1 In accordance with Standing Order 3.2 (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 14 clear days before the next meeting.
- 4.2 The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.3 If the Proper Officer considers the wording of a motion received in accordance with Standing Order 4.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- 4.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Mayor or 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 or rejected in the agenda.
- 4.5 Having consulted the Mayor or Chair or councillors pursuant to Standing Order 4.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 4.6 Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- 4.7 Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection.
- 4.8 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 MOTIONS NOT REQUIRING WRITTEN NOTICE

- 5.1 Motions in respect of the following matters may be moved without written notice:-
- i) To appoint a person to preside at a meeting.
 - ii) To approve the accuracy of the Minutes of the previous meeting.
 - iii) To correct an inaccuracy in the Minutes of the previous meeting.
 - iv) To dispose of business, if any, remaining from the last meeting.
 - v) To alter the order of business on the agenda for reasons of urgency or expedience.
 - vi) To proceed to the next business on the agenda.

- vii) To close or adjourn debate.
- viii) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- ix) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- x) To receive nominations to a committee or sub-committee.
- xi) To dissolve a committee or sub-committee.
- xii) To note the minutes of a meeting of a committee or sub-committee.
- xiii) To consider a report and/or recommendations made by a committee or a sub-committee.
- xiv) To consider a report and/or recommendations made by an employee, Member, professional advisor, expert or consultant.
- xv) To authorise legal deeds to be sealed by the Council's common seal and witnessed.
(See Standing Orders 14.1 and 14.2 below.)
- xvi) To authorise payments.
- xvii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii) To extend the time limit for speeches.
- xix) To exclude the press and public for all or part of a meeting.
- xx) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi) To give the consent of the Council if such consent is required by Standing Orders.
- xxii) **To suspend any Standing Order except those which are mandatory by law.**
- xxiii) To adjourn the meeting.
- xxiv) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv) To answer questions from councillors.

5.2 If a motion falls within the Terms of Reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 RULES OF DEBATE

- 6.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience.
- 6.2 A councillor or member of the public co-opted to serve on Council committees and sub committees who has a non registerable interest defined under 3.5A of the Council's Code of Conduct, may by invitation of the Chair, remain in the room to address the council to provide any information as they reasonably consider might inform the debate before leaving the room.
- 6.3 The period of time for addressing the council under 6.2 shall not exceed three minutes and will be at the discretion of the Chair.
- 6.4 Subject to Standing Orders 4.1 – 4.5 above, a motion shall not be considered unless it has been proposed and seconded.
- 6.5 Subject to Standing Order 3.2.iii above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- 6.6 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.
- 6.7 A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- 6.8 Any amendment to a motion shall be either:
- i) to leave out words;
 - ii) to add words;
 - iii) to leave out words and add other words.
- 6.9 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 6.10 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- 6.11 Subject to Standing Order 6.8 above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- 6.12 Pursuant to Standing Order 6.8 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- 6.13 If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.

- 6.14 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 6.15 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- 6.16 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- 6.17 Subject to Standing Orders 6.13 and 6.14 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- 6.18 During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the irregularity in the meeting they are concerned by.
- 6.19 A point of order shall be decided by the Chair and their decision shall be final.
- 6.20 With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 6.21 Subject to Standing Order 6.15 above, when a councillor's 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 silent or for them 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;
 - ix) to suspend any Standing Order, except those which are mandatory.

- 6.22 In respect of Standing Order 6.21.iv above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- 6.23 Every Motion shall be read aloud by the clerk of the meeting prior to the vote.

7 CODE OF CONDUCT

- 7.1 **All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.**
- 7.2 All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Town Clerk and Monitoring Officer of any changes within 28 days.
- 7.3 All councillors shall undertake training in the Code of Conduct within six months of the delivery of their Declaration of Acceptance of Office.
- 7.4 Councillors and members of the public co-opted to serve on Council committees and sub committees who have registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed.
- 7.5 Councillors and members of the public co-opted to serve on Council committees and sub committees who have registered a non Registerable Interest, in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed.
- 7.6 Requests for dispensations will be considered in accordance with the council's Dispensations Policy. *Appendix IV.*
- 7.7 Members must not accept any gifts or hospitality offered or received in connection with your official duties as a Member, that could be seen by the public as likely to influence your judgement. There is no requirement to register or declare any gifts or hospitality which have been offered or received.

8 QUESTIONS

- 8.1 A councillor may seek an answer to a question concerning any business of the Council provided two clear days notice of the question has been given to the Proper Officer.
- 8.2 Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- 8.3 Every question shall be put and answered without discussion.

9 **MINUTES**

- 9.1 If a copy of the draft Minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- 9.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 5.1.iv above.
- 9.3 Minutes, including any amendment to correct their accuracy, 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.
- 9.4 If the Chair of the meeting does not consider the Minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The Chair of this meeting does not believe that the Minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- 9.5 Upon a resolution which confirms the accuracy of the Minutes of a meeting, any previous draft Minutes or recordings of the meeting shall be destroyed.

10 **DISORDERLY CONDUCT**

- 10.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. The Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- 10.2 If, in the opinion of the Chair, there has been a breach of Standing Order 10.1 above, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 10.3 If a resolution in accordance with Standing Order 10.2 above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or may adjourn the meeting and take necessary steps.

11 **RESCISSION OF PREVIOUS RESOLUTIONS**

- 11.1 A resolution (whether affirmative or negative) of the Council shall not be discussed within six months except either by a special motion, written notice thereof bears the signatures of at least six Members of the Council, or by a motion moved in pursuance of a report or recommendation of a committee or the Town Clerk due to significant material new information.
- 11.2 When a special motion or any other motion moved pursuant to Standing Order 11.1 above has been disposed of, no similar motion may be moved within a further six months.

12 VOTING ON APPOINTMENTS

- 12.1 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. Any tie may be settled by the Chair's casting or second vote.

13 EXPENDITURE

- 13.1 Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations (Appendix I to these Standing Orders).
- 13.2 **The Council's Financial Regulations shall be reviewed once a year.**
- 13.3 **The Council's Financial Regulations may make provision for the authorisation of expenditure in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

14 EXECUTION AND SEALING OF LEGAL DOCUMENTS

- 14.1 A legal seal shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 14.2 **In accordance with a resolution made under Standing Order 14.1 above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper officer in the presence of two Members of the Council who shall sign the deed as witnesses.**

15 COMMITTEES

- 15.1 The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and
- i) shall determine their Terms of Reference to be included in Appendix II of these Standing Orders;
 - ii) shall determine the number and time of the ordinary meetings of a committee up until the date of the next annual meeting of Full Council;
 - iii) shall permit a committee, other than in respect of the ordinary meetings of a standing committee, to determine the date and time of Special meetings;
 - iv) shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next Annual Meeting;
 - v) shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend;
 - vi) by resolution, allow non-committee members to speak at meetings;

- vii) decisions requiring the casting, or second, vote of the Chair will be referred to Full Council;
- viii) may in accordance with Standing Orders, dissolve a committee at any time.

15.2 The Mayor and Town Clerk have delegated authority to determine which Committee shall consider an item of business.

16 SUB-COMMITTEES

16.1 **Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose Terms of Reference and membership shall be determined by resolution of the committee.**

The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

Unless the council determines otherwise, all the members of an Advisory Committee and a Sub-Committee of the Advisory Committee may be non-councillors.

16.2 The Terms of Reference of a sub-committee shall be included in Appendix II of these Standing Orders.

17 EXTRAORDINARY MEETINGS

17.1 **The Mayor may convene an extraordinary (special) meeting of the Council at any time.**

17.2 **If the Mayor does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

17.3 The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or sub-committee) at any time.

17.4 If the Chair of a committee (or sub-committee) does not or refuses to call an extraordinary meeting of the committee within seven days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the committee (or sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

18 WORKING PARTIES

- 18.1 The Council may appoint Working Parties comprised of councillors and non-councillors.
- 18.2 Full Council or the Committee creating the Working Party must agree specific Terms of Reference.
- 18.3 Working Parties may consist wholly of persons who are non-councillors.

19 BUDGET MONITORING STATEMENTS AND ANNUAL RETURN

- 19.1 The Responsible Financial Officer shall include on every Policy, Finance & Resources Committee agenda a Budget Monitoring Statement summarising the Council's receipts and payments and the balances held. The Budget Monitoring Statement should include a comparison with the budget for the financial year.
- 19.2 The Annual Return (which includes The Statement of Accounts and Annual Governance Statement) shall be presented to a meeting of the Full Council before 30th June.
- 19.3 *Financial Regulations are included in these Standing Orders at Appendix I.*

20 BUDGET ESTIMATES AND PRECEPT

- 20.1 **The Full Council shall approve written estimates for the forthcoming year** at a meeting before the end of December.

21 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- 21.1 Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of the Standing Order to every candidate.
- 21.2 A councillor or member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 21.3 This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 INSPECTION OF DOCUMENTS

- 22.1 Subject to Standing Orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The Minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23 UNAUTHORISED ACTIVITIES

- 23.1 Unless authorised by resolution, no individual councillor shall in the name, or on behalf of the Council, a committee or sub-committee:-
- i) inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii) issue orders, instructions or directions.

24 CONFIDENTIAL BUSINESS

- 24.1 Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- 24.2 A councillor in breach of the provisions of Standing Order 24.1 above may be removed from a committee or a sub-committee by a resolution of the Council.

25 MATTERS AFFECTING COUNCIL EMPLOYEES

- 25.1 If a meeting is to consider any matter personal to an employee, it shall not be considered until the Policy, Finance & Resources Committee or Staffing Sub-committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1.4 above.
- 25.2 The Town Clerk shall notify the Mayor, or in their absence, the Deputy Mayor of any absence occasioned by illness or urgency.
- 25.3 The Mayor shall conduct a review of the performance of the Town Clerk and produce a written record of it. The review/appraisal shall be reported to, and shall be subject to approval by resolution, by the Policy, Finance & Resources Committee.
- 25.4 The Town Clerk shall conduct performance reviews of council employees and produce a written report that shall be subject to approval by resolution by the Policy, Finance & Resources Committee.
- 25.5 Subject to the Council's policy regarding the handling of grievance matters, the Town Clerk shall contact the Mayor, or in their absence, the Deputy Mayor in respect of an informal or formal grievance matter.
- 25.6 The Town Clerk is responsible for the management of Council employees and shall keep written records of all meetings relating to their performance, capabilities, grievance and disciplinary matters.
- 25.7 Written records relating to employees shall be kept secure. All paper records shall be secured under lock and electronic records shall be password protected.
- 25.8 Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

- 25.9 Only the Town Clerk shall have access to employee records referred to in Standing Orders 25.7 and 25.8 above.
- 25.10 Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Order 25.7 and 25.8 above shall be provided only to the Town Clerk.

26 FREEDOM OF INFORMATION

- 26.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- 26.2 Correspondence from, and notices served by, the Information Commissioner shall be referred to the Policy, Finance & Resources Committee. The said committee shall do anything to facilitate compliance with the Freedom of Information Act 2000.

27 RELATIONS WITH THE PRESS/MEDIA

- 27.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be referred to the Mayor.
- 27.2 The Council shall issue a Press Release only by resolution of the Full Council.
- 27.3 Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or media on behalf of the Town Council.

28 LIAISON WITH CORNWALL COUNCIL

- 28.1 A Full Council agenda shall be sent to the three Local Cornwall Councillors and the Community Link Officer.
- 28.2 An agenda item shall be included on each scheduled monthly meeting of the Full Council to receive verbal reports from Local Cornwall Councillors and a written report from the Community Link Officer, to receive verbal updates on items within their reports, and for them to take questions from Members.
- 28.3 Local Cornwall Councillors be requested to submit a written report if they know they will be absent for the scheduled Full Council meeting.

29 FINANCIAL MATTERS

- 29.1 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer as contained at Appendix I of these Standing Orders.

30 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- 30.1 Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded.
- 30.2 Where the Notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of the Policy, Finance & Resources Committee of that

fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this Standing Order, who shall continue to act in respect of that matter as such until the complaint is resolved.

30.3 Where a Notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

30.4 References made in Standing Order 31 to a Notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a councillor.

Upon notification by the Unitary Authority 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 them. Such action excludes disqualification or suspension from office.

31 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

31.1 Any one of the Standing Orders, except those which are mandatory by law (in bold type), may be suspended by resolution in relation to any specific item of business.

31.2 A motion to permanently add to, or to vary, or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

32 STANDING ORDERS TO BE GIVEN TO COUNCILLORS

32.1 The Town Clerk shall provide a copy of the Council's Standing Orders to a councillor upon delivery of their Declaration of Acceptance of Office.

32.2 The decision as to the application of Standing Orders by the person presiding at a meeting shall be final.

32.3 A councillor's failure to observe Standing Orders more than three times in one meeting may result in them being excluded from the meeting in accordance with Standing Orders.

33 URGENT BUSINESS

33.1 Where no meeting of the Full Council or a relevant Committee is scheduled within the necessary timescale to enable a decision concerning an urgent matter to be taken, the Town Clerk may, in consultation with the Mayor and Deputy Mayor (or Chair and Vice-Chair, in the case of a Committee) determine that matter. All decisions taken under this Standing Order shall be reported to the next meeting of the Full Council or the relevant Committee for information, together with the reasons for urgency which required a decision to be taken.

34 POSTPONEMENT OF MEETINGS

34.1 In extreme circumstances (such as hazardous and unsafe weather conditions) the Mayor and Deputy Mayor may postpone a meeting. In such circumstances every effort must

be made to inform those expected to be present.

35 HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- 35.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 35.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

FINANCIAL REGULATIONS

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1 GENERAL

- 1.1 These Financial Regulations govern the conduct of financial management by Helston Town Council and may only be amended or varied by resolution of the Full Council. Financial Regulations are contained in Standing Orders providing procedural guidance for members and officers. Financial Regulations must be observed in conjunction with any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
- i) for the timely production of accounts;
 - ii) that provide for the safe and efficient safeguarding of public money;
 - iii) to prevent and detect inaccuracy and fraud; and
 - iv) identifying the duties of officers.
- 1.4 These Financial Regulations demonstrate how Helston Town Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 A breach of these Regulations by an employee can potentially be deemed gross misconduct.
- 1.7 Members of the Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Town Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9 The RFO;
- i) acts under the policy direction of the Council;
 - ii) administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - iii) determines on behalf of the Council its accounting records and accounting control systems;

- iv) ensures the accounting control systems are observed;
 - v) maintains the accounting records of the Council up to date in accordance with proper practices;
 - vi) assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - vii) produces financial management information as required by the Council.
- 1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or management information prepared for the council from time to time, comply with the Accounts and Audit Regulations¹.
- 1.11 The accounting records determined by the RFO shall in particular contain:
- i) entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure account relate;
 - ii) a record of the assets and liabilities of the Council; and
 - iii) wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12 The accounting control systems determined by the RFO shall include:
- i) procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - ii) procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - iii) identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - iv) procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - v) measures to ensure that risk is properly managed.
- 1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- i) setting the final budget or the precept (Council Tax Requirement);
 - ii) approving accounting statements;

¹ Accounts and Audit (England) Regulations 2011/817

- iii) approving an annual governance statement;
- iv) borrowing;
- v) writing off bad debts;
- vi) declaring eligibility for the General Power of Competence; and
- vii) addressing recommendations in any report from the internal or external auditors, shall be a matter for the Full Council only.

1.14 In addition the Council must:

- i) determine and keep under regular review the bank mandate for all Council bank accounts;
- ii) approve all grants; and
- iii) in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its Terms of Reference.

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

In these Financial Regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils – a Practitioners’ Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC) or *Governance and Accountability for Local Councils in Wales - A Practitioners’ Guide*, available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2 ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1 All accounting procedures and financial records of Helston Town Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.
- 2.2 On a regular basis, at least once in each quarter, and at each financial year end, Internal Checkers shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The Members shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Policy, Finance & Resources Committee.
- 2.3 The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4 The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or Member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6 The internal auditor shall:
- i) be competent and independent of the financial operations of the Council;
 - ii) report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - iii) to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - iv) have no involvement in the financial decision making, management or control of the council.
- 2.7 Internal or external auditors may not under any circumstances:
- i) perform any operational duties for the Council;
 - ii) initiate or approve accounting transactions; or
 - iii) direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

- 2.8 For the avoidance of doubt, in relation to internal audit the terms ‘independent’ and ‘independence’ shall have the same meaning as is described in proper practices.
- 2.9 The RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10 The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3 ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1 Each committee shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of September each year including any proposals for revising the forecast.
- 3.2 The RFO must each year, by no later than October, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Policy, Finance & Resources Committee and the Full Council.
- 3.3 The Council shall consider annual budget proposals in relation to the Council’s three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4 The Council shall fix the precept (council tax requirement), and relevant basic amount of Council Tax to be levied for the ensuing financial year not later than by the end of December each year. The RFO shall issue the Precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5 The approved annual budget shall form the basis of financial control for the ensuing year.

4 **BUDGETARY CONTROL AND AUTHORITY TO SPEND**

4.1 The Council's budgets are delegated as follows:-

Delegation of Budgets (as listed in the 2015/16 budget book)				
	Town Clerk	Full Council	Amenities	P,F&R
EMPLOYEE RELATED EXPENSES				
Salaries				✓
Medical Expenses	✓			
Protective Clothing	✓			
Staff Training	✓			
Member Training		✓		
Honorariums				✓
Professional Membership Fees	✓			
TRANSPORT RELATED EXPENSES				
Staff Travel	✓			
Member Travel		✓		
Mayor's Allowance				✓
PREMISES RELATED EXPENSES				
Guildhall Repairs & Maintenance			✓	
Public Conveniences R&M	✓			
G/Hall Roof removal of debris	✓			
SUPPLIES & SERVICES				
Business Rates and Water Rates	✓			
Gas and Electricity	✓			
Telephones	✓			
Postage	✓			
Insurances				✓
Office Expenses	✓			
Advertisements	✓			
Publications	✓			
Subscriptions	✓			
Office Furniture	✓			
Cleaning Materials	✓			
Website			✓	
Consultancy & Professional Fees				✓
Public Seating			✓	
Signs and Notice Boards			✓	
Local Elections		✓		
Playground Equipment			✓	
Town Warden	✓			
Youth Engagement		✓		
Freeman Insignia and Ceremonies				✓

	Town Clerk	Full Council	Amenities	P,F&R
SUPPLIES & SERVICES Cont				
Contract Cleaning (Pub Cons)	✓			
THIRD PARTY PAYMENTS				
Street Stalls and Road Closures			✓	
Footpath Maintenance			✓	
Grounds Maintenance	✓			
Devolution of Services		✓		
Helston Museum		✓		
Human Resources and H&S		✓		
Tree Maintenance	✓			
Public Realm CCTV			✓	
SECTION 137 PAYMENTS				
Grants		✓		
Town Twinning		✓		
Flora Day Decorations	✓			
Christmas Lights		✓		
Civic Hospitality	✓			
Hanging Baskets			✓	
WW1 Centenary		✓		
BANK CHARGES				
Bank Charges	✓			
EAR-MARKED RESERVES				
Play Equipment			✓	
Guildhall Refurbishment			✓	
Public Seating & Notice Boards			✓	
Elections		✓		
Bosnoweth & Hellys Wartha			✓	
Professional Fees				✓
Equipment Replacement Fund	✓			
Devolution of Services		✓		
Proceeds of Sale - 3 Penrose Rd		✓		
S106 Public Realm		✓		
CCTV			✓	
Play Equipment Replacement Fund			✓	
Helston & the Lizard Works Project	✓			
Roundabout			✓	
Marketing & Events Post		✓		
Handrails			✓	
Granite Pavements			✓	
Traffic Regulation Order		✓		
Monument Walk Shelter			✓	
Public Realm – Castle Hill steps		✓		
Replace Granite Bollards		✓		
GENERAL RESERVES		✓		

- 4.2 Contracts may not be disaggregated to avoid controls imposed by these regulations.
- 4.3 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee if expending from an Ear-marked Reserve. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.4 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.5 The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Town Clerk and the Mayor.
- 4.6 In cases of extreme risk to the delivery of Council services, the Town Clerk may authorise revenue expenditure on behalf of the Council which in the Town Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Town Clerk shall report such action to the Mayor as soon as possible and to the Council as soon as practicable thereafter.
- 4.7 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.8 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.
- 4.9 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.
- 4.10 Changes in Ear-marked Reserves shall be approved by Council as part of the budgetary control process.

5 BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for safety and efficiency.
- 5.2 The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Full Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3 All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council. A random selection of invoices shall be examined by the cheque signatories.
- 5.4 The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Full Council Meeting.
- 5.5 The RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- i) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Town Clerk certifies that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
 - ii) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council; or
 - iii) fund transfers within the Councils banking arrangements.
- 5.6 All grants payable shall be approved by Council.
- 5.7 Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.8 The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6 INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1 The Council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Town Clerk shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council.
- 6.4 Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council shall be signed by two Members of Council in accordance with a resolution instructing that payment.
- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6 Cheques or orders for payment shall not normally be presented for signature other than at a Council meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Full Council at the next convenient meeting.
- 6.7 If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two Members and any payments are reported to Council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the Council at least every two years.
- 6.8 If thought appropriate by the Council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two Members are retained and any payments are reported to Council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the Council at least every two years.
- 6.9 If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10 If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which Members approved the payment.

- 6.11 Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Mayor in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all Members immediately and formally to the next available meeting of the Council. This will not be required for a Member's personal computer used only for remote authorisation of bank payments.
- 6.12 No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14 The Council, and any Members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15 Where internet banking arrangements are made with any bank, the Town Clerk shall be appointed as the Service Administrator. The Bank Mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16 Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two of the Town Clerk and a Member. A programme of regular checks of standing data with suppliers will be followed.
- 6.18 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Town Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.19 The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Town Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

- 6.20 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- i) The RFO shall maintain a petty cash float of £200 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - ii) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - iii) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7 PAYMENT OF SALARIES

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 7.2 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Policy, Finance & Resources Committee.
- 7.4 Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- i) by any councillor who can demonstrate a need to know;
 - ii) by the internal auditor;
 - iii) by the external auditor; or
 - iv) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6 An effective system of personal performance management should be maintained for all staff.

7.7 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.

7.8 Before employing interim staff the Council must consider a full business case.

8 LOANS AND INVESTMENTS

8.1 All borrowings shall be effected in the name of Helston Town Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by Full Council.

8.2 Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

8.3 The Council will arrange with the Council's Banks and Investment providers for the sending of a copy of each statement of account to the Mayor at the same time as one is issued to the RFO.

8.4 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

8.5 The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

8.6 All investments of money under the control of the Council shall be in the name of Helston Town Council.

8.7 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8 Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9 INCOME

9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.

9.3 The Council will review all fees and charges at least annually, following a report of the Town Clerk.

9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each cheque shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order forms are computer-generated and shall be controlled by the RFO.
- 10.3 All Members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4 A Member may not issue an official order or make any contract on behalf of the Council.
- 10.5 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows:
- i) Every contract shall comply with these Financial Regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - a) for the supply of gas, electricity, water, sewerage and telephone services;
 - b) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

- c) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - d) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - e) for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Town Clerk shall act after consultation with the Mayor and Deputy Mayor of Council); and
 - f) for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- ii) Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk shall invite tenders from at least three firms and comply with the Public Contracts Regulations 2015.
 - iii) When applications are made to waive Financial Regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Full Council.
 - iv) Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract contained in the instructions.
 - v) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one Member of Council.
 - vi) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
 - vii) Any invitation to tender issued under this regulation shall refer to the terms of the Bribery Act 2010.
 - viii) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk shall obtain 3 quotations (priced descriptions of the proposed supply) or tenders; where the value is below £3,000 and above £100 the Town Clerk shall strive to obtain 3 quotations. Otherwise, Regulation 10 (3) above shall apply.
 - ix) The Council shall not be obliged to accept the lowest or any tender, quotation or estimate.

- x) Should it occur that the Council, or duly delegated committee, does not accept any tender or quotation, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quotation who was present when the original decision making process was being undertaken.
- xi) The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

12 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

13 STORES AND EQUIPMENT

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14 ASSETS, PROPERTIES AND ESTATES

- 14.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2 No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500.

- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4 No real property (interests in land) shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5 Subject only to the limit set in Reg. 14.2 above, moveable property shall be purchased or acquired in accordance with the Scheme of Delegation at 4.1. In each case a report in writing shall be provided.
- 14.6 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15 INSURANCE

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall keep a record of all insurances affected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.4 All appropriate Members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Policy, Finance & Resources Committee.

16 CHARITIES – Trevenen Exhibition

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

17 **RISK MANAGEMENT**

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Town Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 17.2 When considering any new activity, the Town Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18 **SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

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

COMMITTEE TERMS OF REFERENCE

Amenities Committee

Terms of Reference

The Amenities Committee shall comprise of a minimum of six Members of the Council.

Four Members of the Committee shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.

The Committee will meet in May, July, September, November, January and March on dates agreed at the Annual Meeting.

The Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:-

- a) all matters relating to footpaths and bridleways as shown on the definitive map.
- b) all aspects regarding the management of public open spaces in the ownership of Helston Town Council.
- c) matters relating to public open spaces maintained by Helston Town Council that are in the ownership of another Authority including:-
 - The Sunken Garden
 - Trengrouse Amenity Garden
 - The Guildhall Cobbled Area
 - Sithney Common Hill Lay-by
 - Redruth Road Approach Boulder Area
 - Five Wells Lane
 - Lower Trengrouse Way Gardens
 - Drill Hall Yard
 - Millennium Cross Area
 - Falmouth Road Boulder
- d) to consider all aspects of public assets owned by the Council including:-
 - Buildings
 - Bus shelters
 - Public seating
 - Town Council Notice Boards
 - 'Welcome to Helston' signs
- e) to consider reports by the Town Warden.
- f) The Committee shall carry out the functions of the Council under delegated powers in connection with all aspects regarding the maintenance of play areas and equipment in the ownership of (or leased by) Helston Town Council, including the provision of new play equipment.

Planning Committee

Terms of Reference

The Planning Committee shall comprise of a minimum of seven Members of the Council.

Reserve committee members shall be temporarily appointed to prevent a meeting being inquorate. If called upon, the Reserve Member must attend the whole meeting.

Four Members of the Committee shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.

The Committee will meet on the first and third Thursday of every month unless otherwise indicated by the Council.

The Planning Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:

- a) To consider and make comments/recommendations on all Planning Applications, Certificates of Lawfulness, Conservation Area Consents, Building and Tree Preservation Notices and Orders that are forwarded to the Council by the Local Planning Authority and/or Cornwall County Council.
- b) Attend Site Inspectional Panel Meetings that may from time to time be called by the Local Planning Authority and to attend and speak at Cornwall Council Planning Committee meetings.
- c) Attend or make comment, either written or verbal, on behalf of the Council at any Planning Appeal of Public Inquiry.
- d) To consider and comment upon consultation documents relating to the Cornwall Structure Plan and other such documents that may be issued.
- e) To consider all highway matters including improvements, complaints or observations made to the Council in respect of local issues.

Members shall abide by the Council's Pre-Application Protocol.

Policy, Finance and Resources Committee

Terms of Reference

The Policy, Finance and Resources Committee shall comprise of a minimum of six Members of the Council.

Three Members of the Committee shall constitute a quorum. If the number of Councillors present (not including those who have declared an interest) falls below the required quorum, the items of business not transacted shall be deferred to the next scheduled meeting or another day as the Chair may fix.

The Committee will meet on the Tuesday of the week prior to Full Council in July, September, November, January, March and May with a Special budget meeting in October unless otherwise indicated by the Council.

The Policy, Finance and Resources Committee shall consider the following and report/make recommendations to Full Council:

- a) To review the Council's Standing Orders and Policy documents on a regular basis.
- b) To produce new Policy documents when required.
- c) To carry out the functions of the Council under delegated powers in connection with the following matters:
 - Maintenance of accounting records
 - Preparation of the Annual Budget
 - Annual review of Fees and Charges
 - Annually review Ear-marked and General Reserves
 - Monthly budget monitoring
 - Consideration of bad debts
 - Regular audits by nominated Members of P,F&R Committee
 - Appointment of Internal Auditor
 - Consideration of Internal Audit and External Audit Reports
 - Ensure compliance with, and regularly review, Financial Regulations
 - Annually review the effectiveness of internal audit.
- d) To be responsible for risk management and ensure the Council is adequately insured.
- e) To consider the acquisition of land or buildings that may become available for purchase to the benefit of the community and make recommendations to Full Council.
- f) To call a Staffing Sub-Committee consisting of three Members of the Policy, Finance and Resources Committee.
- g) Members to undertake staff and grievance-related training.

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- h) To consider staffing matters not delegated to the Staffing Sub-Committee, such as staff recruitment and the annual staff report.
- i) To undertake specific projects from time to time as requested by Full Council.

Staffing Sub-Committee

Terms of Reference

The Staffing Sub-Committee shall comprise of three Members appointed by the Policy, Finance & Resources Committee.

In exceptional circumstances the Policy, Finance & Resources Committee may appoint a suitably trained outside representative Member from outside the Committee, if required.

All three Members of the Sub-Committee shall constitute a quorum.

The Sub-Committee will meet when required.

The first item of business shall be to appoint a Chair.

The second item on the agenda will be that the Sub-Committee meeting will by resolution not be open to the public nor other Members of the Council.

The Staffing Sub-Committee shall have delegated authority to:-

- a) Consider complaints against members of staff
- b) Consider Grievance complaints from members of staff
- c) Consider staff disciplinary matters

Licensing Consultative Group

Terms of Reference

The Licensing Consultative Group shall comprise of six Members (two appointed by the Amenities Committee, two by the Planning Committee and two by the Policy, Finance & Resources Committee).

Three Members of the Licensing Consultative Group shall constitute a quorum.

The Licensing Consultative Group will meet when required.

The first item of business shall be to appoint a Chair.

The Licensing Consultative Group shall have delegated authority to consider and make recommendations to Cornwall Council on Licensing Applications relating to Helston.

Recommendations of the Licensing Consultative Group shall be reported to Full Council at the earliest opportunity.

The Licensing Consultative Group shall have delegated authority to consider and respond to Licensing-related consultations.

**PROCEDURE FOR THE NOMINATION OF
MAYOR-ELECT AND DEPUTY MAYOR-ELECT**

Procedure for the Nomination of Mayor-elect & Deputy Mayor-elect

- 1) A Special Full Council meeting is held on the fourth Thursday in February, with a single Agenda item “Nomination of Mayor-Elect and Deputy Mayor-Elect for the next civic year”
- 2) This Special Full Council meeting will be open to the public.
- 3) At this meeting, the Chair will ask any Councillor who wishes to be considered for either or both posts to state their candidature. The Chair then asks for a proposer and seconder in order, for each candidate for each post.
- 4) All validly nominated candidates will be invited to then make a short (maximum 1 minute) presentation to all present as to why they should be chosen for the post.
- 5) The Councillors present will then be invited to ask all validly nominated candidates questions.
- 6) At the conclusion of this question/answer session, each Councillor will then be asked to vote by show of hands for a single candidate for either post. In the event of more than one candidate for either post, voting will be by paper ballot.
- 7) At the completion of this voting, and being duly recorded, the Chair will then announce who has been chosen for the post of Mayor Elect & Deputy Mayor Elect for the next civic year.

DISPENSATIONS PROCEDURE

Dispensations Procedure

1 Introduction

- 1.1 Helston Town Council is responsible for determining requests for a dispensation by a Councillor under Section 33 of the Localism Act 2011. The Town Council is a 'relevant Authority' under Section 27 (6) (d) of the Act.
- 1.2 This Procedure explains the:-
- i) purpose and effect of dispensations;
 - ii) procedure for requesting dispensations;
 - iii) criteria which are applied in determining dispensation requests; and
 - iv) terms of dispensations.

2 Purpose and Effect of Dispensations

- 2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest or Non-registerable Interest. Provided Councillors act within the terms of their dispensation, there is deemed to be no breach of the Code of Conduct or the law.
- 2.2 Section 31 (4) of the Localism Act 2011 states that dispensations may allow the Councillor:-
- i) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
 - ii) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 2.3 If a dispensation is granted, the Councillor may remain in the room whether the business is being considered.

Please note: If a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

3 Procedure for Requesting Dispensations

- 3.1 Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form (**Appendix I**) and submit it to the Town Clerk as soon as possible before the meeting at which the dispensation is required. Applications may also be made at a Full Council meeting.
- 3.2 There will be a standing item on the Full Council agenda to consider dispensation requests.

3.3 The amended wording for the agenda will be as follows:-

2. Declarations of interest and dispensations

(a) Members to declare interests in respect of any item on this Agenda

(b) To consider written requests from Members for dispensations

3.4 A request for dispensation will be made on an individual basis.

3.5 The Full Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest or Non-registerable Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

- i) so many members of the decision-making body have a Disclosable Pecuniary Interest that it would impede the transaction of the business (ie the meeting would be inquorate);
- ii) the Council considers that the dispensation is in the interests of persons living in the parish; or
- iii) it is otherwise appropriate to grant a dispensation.

3.6 The Minute of the decision must include statutory reference and length of time.

3.7 The Councillor will receive confirmation of the Council's decision in writing.

3.8 The Councillor requesting the dispensation can participate in the discussion at Full Council and vote.

4 Criteria for Determination of Requests

4.1 In reaching a decision on a request for a dispensation the Council will take into account:

- i) the nature of the Councillor's interest
- ii) the need to maintain public confidence in the conduct of the Council's business
- iii) the possible outcome of a proposed vote
- iv) the need for efficient and effective conduct of the Council's business
- v) any other relevant circumstances

5 Terms of Dispensations

5.1 Dispensations may be granted:

- i) for one meeting; or
- ii) an agreed period not exceeding four years

5.2 The Monitoring Officer shall be notified of dispensations awarded and a copy of the form filed with the Councillor's Register of Interests.

6 Disclosure of Dispensations

6.1 A Councillor that has been granted a dispensation must declare the existence and nature of the dispensation before the commencement of any business to which it relates.

7 Requests for a Dispensation at Committee Meetings

7.1 In the event of the number of Members declaring an interest in an item during a Committee meeting would result in the meeting becoming inquorate, the Town Clerk (or their representative) has delegated authority to grant a dispensation to as many Councillors as necessary to enable the business to be transacted.

7.2 The Town Clerk (or their representative) shall award a dispensation to the Councillor who, in their opinion, has the least interest and their decision shall be final. This process shall continue until the meeting is quorate.

8 Review

8.1 This Procedure will be reviewed regularly and amended as necessary to reflect best practice.