

# Luxulyan Parish Council

## Standing Orders

Adopted – October 2015

Last amended – March 2018

Last reviewed – April 2018

Items in **bold** are statutory requirements

Michaela Linfoot  
Chairman

Christine Wilson  
Clerk to the Council

## List of Standing Orders

1.	Rules of debate at meetings .....	3
2.	Disorderly conduct at meetings .....	3
3.	Meetings generally .....	3
4.	Filming and recording meetings.....	7
5.	Committees and sub-committees.....	7
6.	Ordinary council meetings.....	8
7.	Extraordinary meetings of the council and committees and sub- committees.....	9
8.	Voting on appointments .....	10
9.	Motions for a meeting that require written notice to be given to the Proper Officer .....	10
10.	Motions at a meeting .....	11
11.	Handling confidential or sensitive information.....	11
12.	Draft minutes.....	11
13.	Code of conduct and dispensations .....	12
14.	Code of conduct complaints .....	13
15.	Proper Officer .....	14
16.	Responsible Financial Officer .....	15
17.	Accounts and accounting statements .....	16
18.	Financial controls and procurement .....	16
19.	Handling staff matters .....	18
20.	Requests for information .....	18
21.	Relations with the press/media .....	19
22.	Execution and sealing of legal deeds .....	19
23.	Communicating with county councillors.....	19
24.	Restrictions on councillor activities .....	19
25.	Standing orders generally .....	20

## 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- d Before a motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated.

## 2. Disorderly conduct at meetings

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











## 3. Meetings generally

- a Luxulyan Parish Council shall meet on the second Thursday of each month at 6.00 pm, unless otherwise decided.
- b The quorum for full council meetings shall be four. The quorum for all committee and sub-committee meetings shall be three.
- c The council shall appoint the following standing committee and its chairman: Staffing. The Chairman of the Council may not be the Chairman of the Staffing committee.



- d The Staffing Committee shall receive any complaints or grievances concerning the council's members or staff. The Chairman of the Council may not attend meetings concerning complaints or grievances unless requested to do so by the Chairman of the Staffing Committee.
- e The council shall appoint an Audit Panel, made up of Luxulyan Parish Council members only, to carry out financial internal control checks at least every quarter (i.e. April, July, October and January) and to advise the council on any financial matters, including budget.
- f When an extraordinary meeting is called, the chairman of that meeting has final say concerning the items on the agenda, in consultation with the Proper Officer and conforming to all statutory duties.
- g All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- h The council must receive a letter or email from a candidate for co-option to the council, which explains his or her reasons for wanting to join the council. It need not be lengthy.

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


- i **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.**
- j **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- ■ k **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- ■ ■ l **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.**

- m Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend during the Public Session.
- n The period of time designated for public participation at a meeting is at the discretion of the chairman of the meeting.
- o In accordance with standing order 3(l) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- p The chairman of the meeting may request that a person stand to address the meeting.
- q A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- r Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
-   s **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  t **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
-  u **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
-    v **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
-    w **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*

- x **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  
- y The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. **the names of councillors present** and absent;
  - iii. 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. the public participation, if any; and
  - vi. the resolutions made.
  
-  z **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
  
-  aa **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 5d(vii) below for the quorum of a committee or sub-committee meeting.*

-  bb **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to the next suitable meeting.

## 4. Filming and recording meetings

- a Whilst a meeting of the Council, its committees or sub-committees is open to the public, any person, if present, may :
  - i. film, photograph or make an audio recording of a meeting;
  - ii. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub-committees.
- c An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d Disruptive behaviour
  - i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - ii. If a person or persons disregards the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person or persons be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii. If a resolution under standing order 4d(ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

## 5. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory**

**committee and a sub-committee of the advisory committee may be non-councillors.**

- d The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall permit a committee to determine the number and time of its meetings;
  - iii. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - iv. may, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer that they are unable to attend;
  - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee.

## **6. Ordinary council meetings**

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e **The first business conducted at the annual meeting of the council shall be the**



election of the Chairman and Vice-Chairman (if any) of the Council.

- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j **Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include: In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**

## **7. Extraordinary meetings of the council and committees and sub-committees**

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

- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within three days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or sub-committee may convene an extraordinary meeting of a committee or sub-committee.

## 8. Voting on appointments

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

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- c Subject to standing order 9(b) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- d Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## 10. Motions at a meeting

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

## 11. Handling confidential or sensitive information

- a 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.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 12. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy,

they shall be taken as read.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e If a recording of a meeting of the council or any of its committees is recorded by the clerk, the clerk shall archive the recording for a period of seven years, unless otherwise decided by the council. The signed minutes of the parish council take precedence over the recording of the same meeting.

## 13. Code of conduct and dispensations

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

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- c Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- d A councillor who represents the council on a committee for the Luxulyan Memorial Institute,

the village school,  
the village hall,  
the Luxulyan Community Land Trust, or  
the Luxulyan Valley Partnership

need not declare an interest in or request dispensation for matters concerning these bodies which are charitable and/or of benefit to the entire parish, unless there exists a personal pecuniary interest in the matter for himself or his family, or unless, upon consideration of the code of conduct, he feels it is best to do so.

- e **Dispensation requests shall be in writing and submitted to the Proper Officer .**
- f A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- g A dispensation request shall confirm:
  - i. **the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;**
  - ii. **whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;**
  - iii. the date of the meeting or **the period (not exceeding four years) for which the dispensation is sought;** and
  - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 13(b) and (d) above, dispensation requests shall be considered at the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- i A dispensation may be granted in accordance with standing order 13(c) above if having regard to all relevant circumstances the following applies:
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. **granting the dispensation is in the interests of persons living in the council's area or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## 14. Code of conduct complaints

- a Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.

- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Monitoring Officer of the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations of the Monitoring Officer and what, if any, action to take against him in accordance with the recommendations. The Council has no ability to impose its own sanctions against a member found in breach of the Code of Conduct. Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Council or restricted access to council premises except to attend meetings.**

## 15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) or (iii) a council member nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.** If a councillor signs an Email Request Form, the Proper Officer may serve such a summons by email, provided any such email contains the electronic signature and title of the Proper Officer.

*See standing order 3(i) above for the meaning of clear days for a meeting of a full council and standing order 3(j) above for a meeting of a committee.*

- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary**

**meeting of the council convened by councillors is signed by them);**

*See standing order 3(i) above for the meaning of clear days for a meeting of a full council and standing order 3(j) above for a meeting of a committee.*

- iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. arrange for legal deeds to be executed;

*See also standing order 22 below.*

- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. maintain a record on the council's website of each planning application and recorded decision for Luxulyan Parish. The council's consultee comments will be recorded in the minutes of the meeting.
- xiv. ensure that planning applications received by the council can be considered at an ordinary meeting or advise the Chairman that an extraordinary meeting should be called; and
- xv. manage access to information about the council via the publication scheme.

## 16. Responsible Financial Officer

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

## 17. Accounts and accounting statements

- a “Proper practices” in standing orders refers to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide .
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
- c The Responsible Financial Officer shall supply the council, at least each quarter, a statement to summarise:
  - i. the council’s receipts and payments for each month or quarter;
  - ii. the council’s aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the month or quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council’s receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of receipts and payments for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 18. Financial controls and procurement

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



- iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

## 19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or any of its committees is subject to standing order 11 above.
- b The chairman of the Staffing committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of the clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing committee.
- c Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman of the Staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee.
- d Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the chairman of the Staffing committee, this shall be communicated to the Chairman of the Council, which shall be reported back and progressed by resolution of the Staffing committee.
- e Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(e) and (f) above if so justified.
- h Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(e) and (f) above shall be provided only to the Proper Officer and the Chairman of the Staffing committee.

## 20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be

referred by the Proper Officer to the Chairman of the Staffing committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 21. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 22. Execution and sealing of legal deeds

*See also standing orders 15(b)(xi) above.*

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

## 23. Communicating with county councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of Cornwall Council representing the parish of Luxulyan.
- b Unless the council determines otherwise, a copy of each letter sent to Cornwall Council shall be sent to the ward councillor(s) representing the parish of Luxulyan.

## 24. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect;

- or
- ii. issue orders, instructions or directions.

## 25. Standing orders generally

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

oo

**DATE: 12 April 2018**

**MINUTE REFERENCES: 16/16D, 17/177E, 17/201C-D, 17/244C**

**CHAIRMAN’S SIGNATURE: \_\_\_\_\_**