

Penzance Town Council

STANDING ORDERS

(Adopted on 21 May 2018)

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(NB Standing Orders in **bold type** contain statutory requirements and are mandatory)

1. 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 A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Proper Officer in accordance with Standing Order 10 below.
- c 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.
- d The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

2. 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 proposed and seconded.
- c A motion on the agenda that is not proposed by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be proposed.

- g A Councillor may propose an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- h If there is more than one amendment to an original or substantive motion, the amendments shall be proposed in the order directed by the Chairman.
- i Subject to Standing Order 2(k) below, only one amendment shall be proposed and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- j One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- k A Councillor may not move more than one amendment to an original or substantive motion.
- l The proposer of an amendment has no right of reply at the end of debate on it but may ask the Chairman to do so.
- m Where a series of amendments to an original motion are carried, the proposer of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- n Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment proposed by another Councillor;
 - ii. to propose or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- o 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- p A point of order shall be decided by the Chairman of the meeting and his decision shall be final.

- q When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- r Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the proposer of the motion under debate has exercised or waived his right of reply.
- s Excluding motions proposed under Standing Order 2(q) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairman of the meeting.

3. 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(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under Standing Order 3(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.

4. Meetings generally

□□ Mandatory for Full Council meetings

- Mandatory for Committee meetings
- Mandatory for Sub-committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Saturday, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice* (posting on the website to include supporting papers) for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with Standing Order 4(e) above shall not exceed fifteen minutes unless directed by the Chairman of the meeting.
- g Subject to Standing Order 4(f) above, a member of the public shall not speak for more than five minutes.
- h In accordance with Standing Order 4(e) 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.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a

person to be seated when speaking.

- j A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- k 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.
- l **Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted without the Council's consent.***(The Openness of Local Government Bodies Regulations 2014)*
- m **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.**
- n **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).**
- o **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.**
- p **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.**
- q **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.)

- r **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.

s 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. if there was a public participation session; and
- vi. the resolutions made.

□□□

t **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.**

□

u **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.** The Penzance quorum is seven.

(See Standing Order 5d(viii) below for the quorum of a committee or sub-committee meeting)

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v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

w Meetings of the Council shall be held in the appropriate meeting room of St John's Hall, Penzance at seven o'clock in the evening unless the Council otherwise notified.

x Meetings of the Standing Committees shall be held at the Town Council Offices, Penlee Centre, Penlee Park, Penzance at seven o'clock in the evening unless otherwise notified

y A meeting shall not exceed three hours in duration.

- z Except as the Council otherwise determines, the ordinary meetings of the Council shall be held at two monthly intervals following the date of the Annual Meeting.
- aa No ordinary meetings of the Council shall be held in Easter Week, nor on any Friday evening, Saturday, Sunday, Christmas Day, Good Friday or Public Holiday.
- bb Apologies shall be sent to the Town Council offices via telephone or e-mail by 5pm on the day of the meeting giving a reason (sickness, holiday, family commitment etc). The Chair of the committee shall receive a copy/be informed.

5. Committees and sub-committees

(see Council and Committee Scheme of Delegation and Terms of Reference)

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to Standing Orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. 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 three days before the

- meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

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 7pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman 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:
 - i. In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Appointment of members to existing committees;
 - vi. Review of representation on or work with external bodies and arrangements for reporting back;
 - vii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - viii. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
 - ix. Publish the attendance record for councillors at meetings for the preceding Municipal year

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 and should sign the meeting summons.**

- 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 seven clear days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee and should sign the meeting summons.
- e The Chairman shall call an emergency meeting when required. (see Council and Committee Scheme of delegation and Terms of Reference – Reservations with regard to Terms of Reference 1.c)

8. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least five Councillors to be given to the Proper Officer in accordance with Standing Order 10 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to Standing Order 8(a) above has been disposed of, no similar motion may be moved within a further six months.
- c No such rescind motion shall be needed for amendments to orders or procedures

9. Voting on appointments

- a Where more than two persons have been proposed 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.

10. 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 No motion may be proposed at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with Standing Order 10(b) 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 so that it can be understood at least seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to Standing Order 10(e) above, the decision of the Proper Officer, following receipt of the reasons as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or 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.

12. 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.

13. 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 11(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 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. Code of conduct and dispensations

(See also Standing Order 4(t) above)

General

- a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all Councillors and members of the public co-opted to serve on Committees and Sub Committees of the Council in respect of the entire meeting.

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.

- b Members must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c The Council shall maintain for public inspection, a Register of Members' Interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

- d 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.
- e 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 Monitoring Officer and the Clerk of any changes within 28 days.
- f All Councillors shall undertake training in the Code of Conduct within six months of the delivery of their declaration of acceptance of office.
- g 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.
- h 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.
- i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's Code of Conduct, a Councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three minutes before leaving the room at the request of the Chairman.
- j You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality that could be seen by the public as likely to influence your judgement in these matters.
- k A Member of the Council may, for the purposes of his duty as a Member, but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of

solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any Member of the Council during office hours.

Allegations of breaches of the Code of Conduct

- l 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.
- m 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.
- n 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
- o 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.
- p References 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.
- q **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.

Dispensations

- r The Council has adopted a policy for the issuing of dispensations which is in accordance with the Council's Code of Conduct. It is attached to these Standing Orders as Appendix 1.
- s This policy shall apply to all meetings of the Council, its Committees and Sub Committees.
- t No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

15. Questions

- a At ordinary meetings of the Council, a Member may ask the Chairman or the Chairman of a Standing Committee or the Clerk any question concerning the business of the Council, provided notice of the question has been given in writing to the person to whom it is addressed one clear day before the meeting begins.
- b 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.
- c Every question shall be put and answered without discussion.
- d A person to whom a question has been put may, answer in part or offer to provide a written answer within 10 working days.

16. Proper Officer

- a The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the Council, a committee and a sub-committee, serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
See Standing Order 4(b) above for the meaning of clear days

- 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 4(b) above for the meaning of clear days
- iii. subject to Standing Order 10 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least seven clear days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. Make minutes of meetings available for inspection
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from Councillors;
- viii. retain a copy of every Councillor's register of interests and any amendments;
- ix. 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;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xii. arrange for legal deeds to be sealed using the Council's common seal and witnessed;
See also Standing Order 23 below.
- xiii. 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;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority.;
- xv. refer a planning application received by the Council to the Chairman or in his

absence Vice-Chairman (if any) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning committee;

- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

See also Standing Order 23 below.

17. Responsible Financial Officer

- a The Council shall make arrangements for the undertaking of the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

18. Accounts and accounting statements

- a “Proper practices” in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s Financial Regulations.
- c The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council’s receipts and payments for each quarter;
 - ii. the Council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

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

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council’s receipts and payments 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 accounts determined by the Council (receipts and payments, or income and expenditure) 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.

19. Financial controls and procurement

(See separate Financial Regulations adopted 26 March 2018)

- 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 in accordance with Financial Regulations.
- 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 shall be procured in accordance with Financial Regulations on the basis of a formal tender as summarised in Standing Order 19(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 £164,176 (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.**

20. Handling staff matters

(See Terms of Reference of the Personnel Committee adopted 21 May 2018)

(See Capability Procedure (adopted 26 March 2018), Absence Management (adopted 5 December 2016), Disciplinary Procedures (adopted 3 October 2016) and Health, Safety and Wellbeing Policy (adopted 26 June 2017)

- a A matter personal to a member of staff that is being considered by a meeting of the Council or the Personnel Committee is subject to Standing Order 12 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Personnel Committee or, if he is not available, the Vice-Chairman of the Personnel Committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel Committee at its next meeting.
- c The Chairman of the Personnel Committee or in his absence, the Vice-Chairman

shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel Committee.

- d 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 Personnel Committee or in his absence, the Vice-Chairman of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chairman or Vice-Chairman of the Personnel Committee, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee. If the matter involves the Proper Officer, the matter will be raised with the Chairman or Vice-Chairman of the Personnel Committee and this matter shall be reported back to, and progressed by, the Personnel Committee.
- f 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.
- g 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.
- h Only persons with line management responsibilities (and the Senior Administration Officer) shall have access to staff records referred to in Standing Orders 20(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 20(f) and (g) above shall be provided only to the Proper Officer of the Council.

21. Requests for information

(See separate policy document - Freedom of Information revised version adopted 13 February 2017)

- 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 Finance and General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

22. Relations with the press/media

(see separate Press and Media Policy adopted 3 November 2014)

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

23. Sealing of legal deeds

(See also Standing Orders 16(b)(xii) and (xvii) above.)

- a A legal deed shall not be sealed on behalf of the Council unless authorised by a resolution.
- b Subject to Standing Order 23(a) 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 Councillors who shall sign the deed as witnesses.**

24. Communicating with Cornwall Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the 5 ward Councillors of Cornwall Council. If unable to attend the meeting, a written report shall be requested to be received 5 working days before the meeting.
- b Unless the Council determines otherwise, a copy of each letter sent to Cornwall Council shall be sent to the electoral division Councillors representing the area of the Council.

25. Restrictions on Councillor activities

a

- i. Unless authorised by a resolution, no Councillor other than the Mayor and/or Deputy Mayor shall inspect any land and/or premises which the Council has a right or duty to inspect. Respect will be shown for the landowner and the Councillor **MUST** inform the Town Clerk's Office of the visit.
- ii. Unless authorised by a resolution, no Councillor shall issue orders, instructions or directions.
- iii. No Councillor can be in receipt of paid employment either directly by the Council or by one of its associated groups.

COUNCIL AND COMMITTEE SCHEME OF DELEGATION AND TERMS OF REFERENCE

INTRODUCTION

Section 101 of the Local Government Act 1972 allows local Councils to appoint one or more Committees or Sub-Committees to discharge any of its functions. It is not necessary for the Council to ratify Committee decisions where delegation applies. The membership and terms of office of Committees is fixed by the Council, and of Sub-Committees and of Working Parties by the appointing Committee. In constituting such Sub-Committees and Working Parties the Council or Committee as appropriate shall have full regard to the implications on the Officer and Member workload of such creation, and such shall only be established following consideration of a written report outlining the purposes of such body, why the matters in question cannot be dealt with direct by the main committee, and proposed terms of reference.

The scheme outlined below may be amended at any time by the Council with or without any recommendation from a Committee, Sub-Committee or other body.

DEFINITIONS

In this scheme, the following words and phrases shall be given the meanings outlined below:

“Council” refers to Penzance Town Council

“Council matters” means those items specifically included in the approved Terms of Reference as falling within the specific purview of Council.

“Committee” means one of the following Committees:

Planning Committee
Leisure and Amenities Committee
Penlee House Committee
Finance and General Purposes Committee

“Corporate policy” refers to any policy matter, which may affect or relate to the work of more than one Committee of the Council.

“Committee overlap” refers to any matter other than one of policy which is related to the work of more than one Committee

“Service Policy” refers to any policy matter which does not affect more than one function of the Council and does not relate to the work of more than one Committee.

GENERAL

Compliance with the law: The Council Committees and Sub-Committees can only act within the law and in accordance with the Council’s approved Standing Orders and Financial regulations.

Budgets: Committees can only exercise delegated powers if there is budgetary provision for any proposed expenditure. They can vire monies within their overall budget in accordance with the provisions of the Council's Financial Regulations. If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter firstly to the Finance and General Purposes Committee, which will then make a recommendation to the full Council.

Committee Conflict: there may be occasions, particularly when there is conflict between Committees regarding which one has powers to deal with a particular matter. In such cases, the matter shall be referred to the Finance and General Purposes Committee, and that Committee shall in turn make a recommendation or refer the matter to the Council. The Council shall then determine the matter.

Council Matters: where Committees are considering Council matters they shall not have delegated powers to determine such matters, but shall report or make recommendations to Council.

Concurrent powers: The Council may at any time exercise any of the duties and powers within the scheme which are delegated to the Council's Committees or Sub-Committees. A Committee may at any time exercise any of the duties and powers of its Sub-Committees.

Committee membership: The Town Mayor and Deputy Town Mayor ex-officio voting member of all the Council's standing Committees, but not of sub-committees or working parties. The Mayor may not be Chair of any standing Committee. A member may not be Chair of more than one standing Committee.

Considerations with regard to decision-making: In making any decisions or recommendations each Committee should consider the implications in relation to: Best practice, and any Council Corporate and Service objectives/policies.

RESERVATIONS WITH REGARD TO TERMS OF REFERENCE

1. The terms of reference of all committees are subject to the following reservations:
 - (a) That powers be exercised in accordance with any policy adopted, or directions given, by the Town Council.
 - (b) That any proposal which involves any major changes in the existing policies approved by Council, shall be submitted to the Town Council for approval.
 - (c) Urgent/emergency matters which would normally be referred to a committee may be dealt with through the convening of a special meeting although if, in the opinion of the appropriate Committee Chairman, this is not practical, they shall be dealt with by the Town Clerk in consultation with the Chairman and Vice Chairman of Committee and be subject to written report to the next appropriate Committee or Full Council meeting, whichever comes first.
 - (d) All meetings of standing committees will normally commence at 7.00 pm.

- (e) At the commencement of each public meeting there will be a period of time allocated for members of the public to speak and ask questions about any matter within the remit of that meeting. This is subject to a separate scheme.

PROPOSED COUNCIL TERMS OF REFERENCE

- (a) The Power of raising loans, approving the annual budget, and setting the Precept;
- (b) The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
- (c) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee;
- (d) Standing Orders and the functions and constitution of Committees and Sub-Committees;
- (e) Approval of the Annual Return and Statement of Internal Controls;
- (f) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- (g) Filling of vacancies occurring on any Committee or Sub-Committee of the Council during the Council year;
- (h) The appointment or dismissal of the Town Clerk;
- (i) The creation of any new Council service, including through devolution from Cornwall Council;
- (j) Cessation of any Council service;
- (k) Granting of civic honours, and
- (l) Any other matter required by law to be determined by the Council and which cannot be delegated to a Committee, sub-Committee or officer, or which the Council may determine as Council business.

COMMITTEE TERMS OF REFERENCE

Note on delegated powers – Committees can resolve all matters within their terms of reference except Council and Corporate matters.

POWERS AND DUTIES OF STANDING COMMITTEES

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- (a) Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- (b) As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- (c) In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- (d) The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

PLANNING COMMITTEE

- (a) The making of representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with relevant legislation;
- (b) The making of representations in respect of appeals against the refusal of planning permission;
- (c) The undertaking of street naming under powers delegated by Cornwall Council, and to make representations regarding house naming and street numbering;
- (d) To consider and monitor strategic, Unitary and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Penzance, and the making of all appropriate representations.
- (e) The facilitation of economic development initiatives for the benefit of the Town and the making of recommendations on all related matters and liaison as appropriate with other agencies;
- (f) To co-ordinate the Council's work in respect of Neighbourhood Planning
- (g) The making of representations to the appropriate Planning Authority in respect of other planning matters not otherwise referred to in Terms of Reference (a) - (f) above.
- (h) To consider all matters relating to highways, footpaths and bridleways, and to make representations to other authorities regarding these matters.
- (i) To consider all matters relating to transportation and car parking issues, including traffic and parking regulations orders, and to make representations to other authorities regarding these matters.
- (j) To consider and to make representations to other authorities in respect of applications for liquor, gaming and public entertainments licences.

- (k) To consider and to make representations to other authorities in respect of any other public service matters and consultations that may impact upon Penzance.

LEISURE AND AMENITIES COMMITTEE

- (a) Dealing with all Leisure and Amenities Committee matters falling within the purview of Penzance Town Council other than Penlee House, and the management and effective control of all budgets, including for:
 - (i) Penlee Park and all facilities/leases therein;
 - (ii) Other parks, recreation grounds, public open spaces and other amenity land in the ownership or under the control of the Town Council;
 - (iii) Public Toilets and associated stores;
 - (iv) Allotments;
 - (v) Car Parks;
 - (vi) Christmas Lights;
 - (vii) Civic Pride;
 - (viii) War memorial;
 - (ix) Community and Environmental Enforcement work, including for example fly posting, illegal tipping and litter picking;
 - (x) Street Furniture including litter bins, salt bins, bus shelters, notice boards and Council signage;
 - (xi) Any other devolved services transferred from Cornwall Council
 - (xii) To assist in the manning of and arrangements for Council events.
- (b) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the budget schedule above and to provide reports on the implementation of service policies.
- (c) To manage and review all arrangements within the town relating to services directly provided by the Town Council.
- (d) To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

PENLEE HOUSE

- (a) To deal with all matters relating to the control and management of the Art Gallery and Museum within Penlee House.
- (b) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the approved budget schedule and to provide reports on the implementation of service policies.
- (c) To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

FINANCE & GENERAL PURPOSES COMMITTEE

- (a) The making of recommendations in respect of items (a) to (h) of the matters to be dealt with solely by the Council;
- (b) Dealing with all matters relating to the day-to-day administration and good governance of the Council;
- (c) Dealing with matters specifically referred by the Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- (d) Dealing with all matters pertaining to the Council's staffing including recruitment, performance, terms and conditions of service, and superannuation of the Council's staff, relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any approved Local Conditions of Service ;
- (e) Dealing with all aspects of the Council's Corporate Governance including the management and control of budgets for central services, administration, the Council's civic and Mayoral services, corporate management, external and internal audit, performance management and democratic representation.
- (f) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the schedule above and to provide reports on the implementation of service policies;
- (g) To recommend to Council the annual budget, variations and supplementary estimates relating to budgets of the standing Committees, and any Corporate plans, strategies and policies;
- (h) To act as lead Committee in respect of any partnership initiative of a corporate nature with Cornwall Council and any other public body;

- (i) To advise the Council on financial matters, particularly the financial implications and funding of any capital or revenue projects;
- (j) To advise the Council in relation to matters of legislation, policy and procedure and to ensure that the Council is in full compliance with any statutory obligations at all times;
- (k) To receive Auditors' reports and to make recommendations regarding any matters arising from such reports;
- (l) To monitor the performance management of the Council the drafting of the Annual Report/ Forward Plan, the operation of service reviews and any necessary recommendations to the Council for implementation;
- (m) To approve payments of accounts in accordance with the Standing Orders, to monitor the level of Council income/expenditure compared with the Council's approved estimates and to control the management of the Council's financial resources including bank accounts and investments and to ensure that detailed reports on such are considered at each meeting of the committee.
- (n) To consider financial grants to organisations;
- (o) To control the collection of income and the write-off of irrecoverable debts to a limit as agreed in the Council's financial regulations with any sum greater than this requiring full Council agreement;
- (p) To ensure that the training needs of members and staff are met, and to ensure that the Council provides a safe working environment with regard to health and safety and other statutory obligations.
- (q) To maintain any Council archives and civic treasures.

Authority to Officers

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), to act with delegated authority in the specific circumstances detailed.

Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- (i) Receive declarations of acceptance of office;
- (ii) Receive and record notices disclosing pecuniary interests;
- (iii) Receive and retain plans and documents;
- (iv) Sign Notices or other documents on behalf of the Council;
- (v) Receive copies of By-laws made by a Primary local authority;

- (vi) Certify copies of By-laws made by the Council;
- (vii) Sign summonses to attend meetings of the Council;
- (viii) To receive documents in relation to Complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council;
- (ix) Ensure compliance with all legal requirements impacting upon the business of the Council

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- (i) The day to day administration of services, together with routine inspection and control.
- (ii) Day to day supervision and control of any staff employed by the Council.
- (iii) Undertake training or attendance at Conferences as previously authorised within budget.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

Responsible Financial Officer

It will be for Council, considering recommendations of the Finance & General Purposes Committee at any time, to determine whether the Town Clerk shall be the Responsible Financial Officer to the Council and as such accountable for the accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time, or whether the post should be filled by some other more qualified person.

PERSONNEL COMMITTEE

The Personnel Committee is comprised of 7 members of the Town Council chosen for their experience and commitment. There is no public participation at Personnel Committee meetings (this includes Councillors who are not members of the Committee). Non-member Councillors receive copies of the agenda/summons only, not accompanying reports.¹

Terms of Reference:-

Personnel and Staffing

- To draft and keep under review the staffing structure of the Town Council and make recommendations as appropriate.
- To keep under review staff work/life balance, working conditions and well-being, including the monitoring of absence and TOIL (to be reported at each Personnel Committee meeting).
- To keep under review all staff contracts of employment, terms and conditions and make recommendations to full Council.
- To monitor the Council's employment policies and procedures in respect of changes to legislation and make recommendations to Council where appropriate.

Interview Panels

- For the Town Clerk role – the interview panel should comprise the Town Mayor, Deputy Mayor and Chairs of the 4 standing committees. The Chair of the Personnel Committee to invite a Human Resources professional to attend as an advisor and observer during the interview process.
- For members of the Management Team – the interview panel should comprise the Town Mayor, Chair of the Personnel Committee and the Chair of the relevant standing Committee, with the Deputy Mayor and relevant Vice-Chairs acting as substitutes, if required. An external, professional advisor to be invited to attend, if deemed appropriate by members of the panel. The Town Clerk to be in attendance to provide advice and assistance.
- For all roles below the level of the Management Team – the interview panel should comprise the Town Clerk, and the relevant Committee Lead Officer with a further line manager in attendance, where required. If required by the Town Clerk, the Chair of the relevant Committee (or the Vice-Chair as substitute) would also be included on the panel.

Performance

- To carry out staff appraisals
- To make recommendations on personnel-related expenditure to the Finance and Property Committee of the Council.
- To identify training requirements through appraisal and agree staff training programmes.

¹ In accordance with Town Council resolution 21(k) of 21 May 2018

Complaints

- To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure.
- To investigate and, where appropriate, hear complaints made under the Council's Grievance and Disciplinary Procedure and take whatever action necessary.