



# KESWICK TOWN COUNCIL

## STANDING ORDERS

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For revision annually

**Note: Standing Orders that are in bold type contain legal and statutory requirements**

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## 1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h. A Councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j. Subject to Standing Order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A Councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since last they spoke;
  - iii. to make a point of order;

- iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q. A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except;
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to the vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t. Excluding motions moved under Standing Order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed three (3) minutes without the consent of the Chair of the meeting.
- u. Whenever the Chair rises to their feet during a debate all other members shall be silent.

## 2. DISORDERLY CONDUCT AT MEETINGS

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c. If a resolution made under Standing Order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

- a. Meetings of the Council will take place in the Council Chamber, First Floor, 50 Main Street, Keswick unless otherwise advertised.
- b. 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.**
- c. 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.**
- d. 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.**
- e. Meetings (of the Council and its committees) 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.**
- f. 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. A public participation session will feature on the formal agenda issued before the meeting. The public participation session will be minuted as an integral part of the meeting's proceedings in the same way as all other items on the agenda. However, the maximum length of time one person can speak will be ten (10) minutes and the maximum length of time for the whole public participation session will be thirty (30) minutes. The Chair has the right to curtail undue repetition of the points by different individuals.
- g. In accordance with Standing Order 3(f), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response to be given.
- h. A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- i. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- j. At all meetings of the Council, the Chair may, at their discretion, and at a convenient time in the transaction of business, allow any Councillor to address the meeting in relation to any item of urgent business not covered on the agenda

for the meeting, provided that no decisions can be taken on any issue raised. The maximum length of time one Councillor can speak will be five (5) minutes.

- k. **Subject to standing order 3(l), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To 'report' means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- l. **A person present at a meeting of the Council and its committees may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- m. **The press shall be provided with reasonable facilities for the taking of their report for 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 Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- o. **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.** The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting. The Clerk must never assume the role of Chair.
- p. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**
- q. **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

*See Standing Orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the Annual Meeting of the Council.*

- 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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- s. **The minutes of the meeting shall include an accurate record of the following:**

- a. the time and place of the meeting;
  - b. the names of Councillors who are present and the names of Councillors who are absent;
  - c. interests that have been declared by Councillors and non-Councillors with voting rights;
  - d. the grant of dispensations (if any) to Councillors and non-Councillors with voting rights;
  - e. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - f. if there was a public participation session; and
  - g. the resolutions made.
- t. No discussion shall take place on the minutes of previous meetings except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chair.
- u. **A Councillor or non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council’s Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on their right to participate and vote on that matter.**
- v. **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 (3).**

*See Standing Order 4d(v) for the quorum of a committee or sub-committee meeting.*

- w. **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.
- x. A meeting shall not exceed a period of two and a half (2.5) hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d. The Council may appoint standing committees or other committees as may be necessary and:
  - i. shall determine their terms of reference;

- ii. shall permit a committee to determine the number and time of its meetings;
- iii. shall, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- iv. shall permit a Committee other than a standing committee, to appoint its own chair at the first meeting of the Committee;
- v. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- vi. shall determine if the public may participate at a meeting of a committee;
- vii. 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;
- viii. shall determine if the public may participate at a meeting of sub-Committee that they are permitted to attend; and
- ix. may dissolve a Committee or sub-Committee.

## 5. ORDINARY COUNCIL MEETINGS

- a. **In an election year, the annual meeting of the Council shall be held on or within fourteen (14) days following the day on which the Councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.** In the case of this Council, meetings shall be held on the third Thursday of each month in the Council Chamber at 7pm, unless otherwise indicated.
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f. **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g. **The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**

- h. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j. Nominations for the positions of Chair (Mayor) and Vice Chair (Deputy Mayor) must be submitted to the Proper Officer in writing at least 7 days before the Annual Council Meeting takes place.
- k. Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include (unless the Council resolves to do this at a later date):
  - i. **In an election year, delivery by the Chair and Vice-Chair (if there is one) of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair and Vice-Chair (if there is one) of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review the Terms of Reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with Standing Order 4;
  - ix. Review and adoption of appropriate Standing Orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;

- xii. 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;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under S.137 of the Local Government Act 1972 or the general power of competence; and
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## 6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chair of the Council does not call an extraordinary meeting of the Council within seven (7) days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**
- c. The Chair of a Committee (or sub-Committee) may convene an extraordinary meeting of the Committee or sub-Committee at any time.
- d. If the Chair of a Committee (or sub-Committee) does not call an extraordinary meeting it may be convened on the receipt in writing of not less than a quarter of the members of the Committee (or sub-Committee). The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at the meeting.

## 7. PREVIOUS RESOLUTIONS

- a. A resolution shall not be reversed within six (6) months except either by a special motion, which requires written notice by a least three (3) Councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-Committee.
- b. When a motion moved pursuant to Standing Order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## 8. VOTING ON APPOINTMENTS

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

## 9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, power and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it so that it can be understood, in writing, to the Proper Officer at least nine (9) clear days before the meeting inclusive of weekends and bank holidays.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.

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

## 10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a. **The Council shall have in place, and keep under review, technical and organisation measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data)**

shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12. DRAFT MINUTES

- 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).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
*"The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."*
- e. **If the Council's gross income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free or charge not later than one month after the meeting has taken place.**
- f. Subject to the publication of draft minutes in accordance with Standing Order 12(e) and Standing Order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 13. CODE OF CONDUCT AND DISPENSATIONS

- a. All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council (*see Appendix 1*).
- b. Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

- c. Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g. Subject to Standing Orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. **A dispensation may be granted in accordance with Standing Order 13(e) if having regard to all relevant circumstances of any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participated in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## 14. CODE OF CONDUCT COMPLAINTS

- a. **Upon notification by the Principal Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## 15. PROPER OFFICER

- a. The Proper Officer shall either be (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, in this Council's case the Responsible Financial Officer has been granted this authority.

b. The Proper Officer shall:

- i. **at least three clear days before a meeting of the Council, a Committee or a sub-Committee,**
  - **serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
  - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

*See Standing Order 3(c) for the meaning of clear days for a meeting of a full Council and Standing Order 3(d) for the meaning of clear days for a meeting of a committee;*

- ii. subject to Standing Order 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least seven (7) days before the meeting confirming the withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. facilitate inspection of the minute book by local government electors;**
- v. receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's Register of Interests;
- viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of Data Protection and Freedom of Information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed; *(see also Standing Order 23);*

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
  - xiv. refer a planning application received by the Council to the Planning Group within two working days of receipt to allow them to respond appropriately if the planning application requires consideration before the next ordinary meeting of the Council.
  - xv. manage access to information about the Council via the publication scheme; and
  - xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (*see also Standing Order 23*).
- c. Duties and responsibilities of the Clerk, in addition to those above are laid out in the Conditions of Service Contract and Job Description.
  - d. Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise members on the content and interpretation of these Standing Orders.

## 16. RESPONSIBLE FINANCIAL OFFICER

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

## 17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. 'Proper practices' in Standing Orders refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioners' Guide'.
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the end of the financial year end at 31 March, the Responsible Financial officer shall provide:

- i. each Councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipt and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors by the Council meeting which is held in June each year. The Annual Governance and Accountability Return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council’s accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £60,000 or due to special circumstances are exempt from a tendering process or procurement exercise.
- b) Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c) Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council’s written

- response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - iv. 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;
  - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or sub-Committee with delegated responsibility.
- d) Neither the Council, not a Committee or a sub-Committee with delegated responsibility for considering tenders is bound to accept the lowest value tender.
- e) **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation, and if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Staffing Committee is subject to Standing Order 11.
- b. Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chair of the Staffing Committee, or if they are not available, the Chair of the Charitable Trusts of any absence occasioned by illness or other reason.
- c. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of services of existing employees.
- d. There shall be a periodic appraisal of the work of the Clerk in accordance with the Council's appraisal process, to be undertaken prior to the Staffing Committee meeting where pay and conditions of service of existing employees occurs.
- e. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chair of the Staffing Committee, or in their absence the Chair of the Charitable Trusts in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- f. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by employees relates to the Chair of the Council this shall be communicated to the Chair of the Charitable Trusts.

- g. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- h. In accordance with Standing Order 11(a), persons with line management responsibilities shall have access to staff records as referred to in Standing Order 19(f).
- i. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any persons employed by the Council, it is subject to Standing Order 11.

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also Standing Order 21.*

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

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also Standing Order 11.*

- a. The Council may appoint a Data Protection Officer.
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e. **The Council shall ensure that information communicated in its privacy notice(s) is in an easy accessible and available form and kept up to date.**
- f. **The Council shall maintain a written record of all its processing activities.**

## 22. 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.

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

*(see also Standing Orders 15(b)(xii) and (xvi)).*

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to Standing Order 23(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the Unitary Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward Councillor(s) representing the area of the Council.

## 25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

## 26. STANDING ORDERS GENERALLY

- a. All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least three (3) Councillors to be given to the Proper Officer in accordance with Standing Order 9.
- c. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible.
- d. The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

## Appendix 1

### **Code of Conduct**

This Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct 2020 with local variations as deemed appropriate by the Council.

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

### **Definitions**

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that fails to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park Authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association (hereafter “LGA”) encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Town and Parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer at Cumberland Council.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. Bullying, harassment and discrimination**

### **As a councillor:**

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report they have written. However, you must not try to force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received consent of the person authorised to give it;**
  - ii. I am required by law to do so**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person: or**
  - iv. The disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with reasonable requests of the local authority; and**
    - 3. I have consulted the Clerk (who in turn may consult the Monitoring Officer) prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes, unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct.**

**As a Councillor:**

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you to not undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Clerk, who may in turn raise it with the Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

**As a Councillor:**

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act requires the Monitoring Officer to establish and maintain a register of interests of members of all Town and Parish Councils.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a

potential conflict might arise. It is also important that the public know about any interest that might arise. It is also important that the public known about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public to be open and honest. This helps to ensure that public confidence in the integrity of local governance in maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1 is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Clerk.

## **10. Gifts and Hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Clerk any significant gift or hospitality that I have been offered but refuse to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as a rudeness in which case you could accept it but must ensure that it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Clerk for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour whenever it occurs.

## Appendix 2

### Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office, you must register with the Monitoring Officer (via the Clerk) the interests which fall within categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

**“Partner”** means spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Clerk, who will then pass this information onto the Monitoring Officer.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the councillor, or person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Clerk, who will then pass it onto the Monitoring Officer’s office, with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. If it is a ‘sensitive interest’ you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable interests (as set out in Table 2), you must disclose the interest. If you have such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and it is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which ***affects***-
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a financial interest or well-being of a body included under Disclosable Pecuniary Interests set out in Table 1you must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:
8. Where a matter affects your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest to a greater extent than it affects the financial interests of the majority of inhabitants, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council.</p> <p>-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

<b>Corporate tenancies</b>	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is body that the councillor or their spouse or civil partner of the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities of*
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the rea of the council; and (b) either-- (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeding one hundredth of the total issued share capital of that class.

\* ‘director’ includes a member of the committee of management of an industrial and provident society

\* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

<p>You must register as an Other Registerable Interest:</p> <ul style="list-style-type: none"> <li>a) Any unpaid directorships</li> <li>b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) Any body <ul style="list-style-type: none"> <li>I) Exercising functions of a public nature</li> <li>II) Directed to charitable purposes or</li> <li>III) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p>of which you are a member or in a position of general control or management</p>
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## APPENDIX 3

### STAFFING COMMITTEE TERMS OF REFERENCE

#### Purpose of Staffing Committee

The committee is appointed to make decisions about all staffing matters excluding the appointment and dismissal of staff (which requires approval of full Council), subject to budget and expenditure limits decided by the Council.

#### Composition of Staffing Committee

The committee shall comprise of up to six Councillors, to include ex-officio the Mayor alongside the Chair and Vice-Chair of the Parks Trusts.

#### Terms of Reference

- To establish and keep under review the staffing structure in consultation with the Council
- To draft, implement, review, monitor and revise policies for staff
- To establish and review salary pay scales for all categories of staff and to be responsible for their administration and review
- To oversee the recruitment and appointment of staff
- To arrange execution of new employment contracts and changes to contracts
- To establish and review performance management (including annual appraisals) and staff training programmes
- To oversee any process leading to dismissal of staff (including redundancy)
- To keep under review staff working conditions, and health and safety matters
- To monitor and address regular or sustained staff absence
- To make recommendations on staffing related expenditure to the Council
- To consider any appeal against a decision in respect of pay
- To consider a disciplinary or grievance matter (and any appeal)
- To supervise and performance manage the Clerk's work, to administer their leave requests, record and monitor absences, and handle grievance and disciplinary matters and pay disputes.

Reviewed May 2022

## **EVENTS COMMITTEE TERMS OF REFERENCE**

### **Purpose of Events Committee**

The Committee is appointed to organise events approved by the Town Council as the responsible body.

### **Composition of Events Committee**

The Committee shall comprise of up to six Councillors plus additional community representatives to be appointed by the Committee from those expressing an interest. A Chair will be appointed from among the Town Council representatives. The Mayor shall be an ex-officio member of this Committee.

### **Terms of Reference**

- To organise events approved by Keswick Town Council as the responsible body.
- To comply with all statutory and licensing requirements.
- To ensure that events are covered by the Council's public liability insurance.
- To be responsible for agreeing spending within the budget limits approved by the Town Council, any requests for additional spending to be referred back to the Town Council for approval.
- To ensure that all financial transactions relating to events are in accordance with the Town Council's Financial and Contract Regulations.
- To advise the Town Council on its annual Events programme, liaising with others as required to co-ordinate dates.

Revised October 2020

## **PLANNING AND LICENSING GROUP TERMS OF REFERENCE**

### **Purpose of Planning and Licensing Group**

The Group is appointed to advise the Council on its response to planning applications for submission to the Lake District National Park Authority (the planning authority) and to make decisions about all licensing applications received from Cumberland Council (the licensing authority).

### **Composition of Planning Group**

The Group shall comprise of up to four Councillors appointed at the Council's Annual Meeting.

### **Terms of Reference**

#### **Planning**

- To study all planning applications received by the Council as statutory consultee
- To carry out site visits where appropriate and in accordance with the recommended protocol
- To make recommendations and to draft responses for approval by the Council and submission to the planning authority
- To advise the Council on its response to any planning consultation documents received

#### **Licensing**

- To study all licensing applications received by the Council for comment
- To consult other parties as appropriate
- To prepare and submit responses on behalf of the Council to the licensing authority
- To report details of responses submitted to the next Council meeting

Adopted February 2020.

## **HOUSING WORKING GROUP TERMS OF REFERENCE**

### **Purpose of Housing Working Group**

The Group is appointed to be the primary working group of any items relating to housing in Keswick and the surrounding areas. The aim of the group is to engage with stakeholders such as the Lake District National Park and Cumberland Council on the negative impact that a lack of affordable housing brings to Keswick and the surrounding area. The Group will also identify sites where potential affordable housing could be built.

### **Composition of the Housing Working Group**

The Group shall comprise of up to four Councillors appointed at the Council's Annual Meeting, plus other invited attendees from bodies such as Keswick Community Housing Trust.

### **Terms of Reference**

- To act as the Council's main working group for matters relating to housing
- To monitor any breaches in Local Occupancy clauses
- To lobby Lake District National Park, Cumberland Council, Central Government on any matters aimed at improvement of affordable housing provision
- To work with surrounding parishes to join forces and give a voice regarding affordable housing in Keswick and the surrounds
- To contact councils across the country with similar issues, with the potential of working together.

Adopted October 2023

## **VISITOR MANAGEMENT WORKING GROUP**

### **Purpose of Visitor Management Working Group**

The Group is appointed to be the primary working group for any items relating to visitors to Keswick, and

### **Composition of the Visitor Management Working Group**

The Group shall comprise of up to four Councillors appointed at the Council's Annual Meeting, plus other invited attendees from bodies such as the Lake District National Park Authority, the National Trust, Keswick Tourism Association and Cumberland Council, and other organisations as deemed appropriate.

### **Terms of Reference**

- To act as the Council's main working group for all matters related to visitors to Keswick
- To act as the primary liaison between the Council and external commercial events.
- To develop approaches to external parties to improve tourism related infrastructure around Keswick
- To consider improvements that could be made to Keswick's street scene
- To monitor any other visitor related issue which impacts the residents of Keswick.

Adopted September 2024

## **COMMERCIAL WORKING GROUP TERMS OF REFERENCE**

### **Purpose of Commercial Working Group**

The Group is appointed to advise the Council on all aspects of commercial activities within the organisation, including but not limited to leases and licences.

The group has delegated authority to negotiate the current leases within Hope Park and Fitz Park and to discuss any issues relating to commercial activities as and when requests are received.

### **Composition of Commercial Working Group**

The Group shall comprise of up to four Councillors/Trustees appointed at the Council's Annual Meeting.

### **Terms of Reference**

- To look in detail at the existing leases/licences including Sports Clubs
- To meet with tenants/clubs to discuss and negotiate lease/licence terms in a timely manner prior to the term ending
- To familiarise themselves with the existing premises and land currently leased or licenced to tenants
- To research ideas for future commercial activities within the organisation with a view to increasing income
- To negotiate the existing contract, when the term ends, in relation to the management of Crosthwaite Road Car Park
- To make recommendations and draft reports for approval by the Council or Parks Trusts

*Commercial Working Group Established November 2025 – Ref Min No 47*

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