



KESWICK TOWN COUNCIL

STANDING ORDERS

REVISED MAY 2019
For revision annually

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

Index of Standing Orders

Standing Order No.	Page No.
1 Meetings	3
2 The Statutory Annual Meeting	3
3 Chairman of the Meeting	4
4 Committees and Sub-Committees	4
5 Extraordinary Meetings	5
6 Advisory Committees	5
7 Voting in Committees	5
8 Order of Business	5-6
9 Admission of the Public and Press to Meetings	6-7
10 Liaison with County and District Councillors	7
11 Proper Officer	7-8
12 Quorum of the Council	8
13 Voting	8-9
14 Resolutions Moved without Notice	9
15 Rules of Debate at meetings	9-10
16 Closure	10
17 Disorderly Conduct	10
18 Rescission of Previous Resolution	10
19 Management of Information	11
20 Responsibilities to Provide Information	11
21 Responsibilities under Data Protection Legislation	11
22 Discussions and Resolutions Affecting Employees	12
23 Financial Controls and Procurement	12-13
24 Execution and Sealing of Legal Deeds	13
25 Accounts and Accounting Statements	13
26 Estimates (Budgets)/Precepts	13
27 Variation, Revocation and Suspension of Standing Orders	13
28 Interests, Code of Conduct and Dispensations	14
29 Code of Conduct Complaints	14-15
30 Inspection of Documents	15
31 Restrictions on Councillor Activities	15
32 Interpretation	15
Appendix 1 – Code of Conduct	16-19
Appendix 2 – Pecuniary and Other Registrable Interests	20-21
Appendix 3 – Staffing Committee Terms of Reference	22

1 Meetings

- a) Meetings of the Council shall be held on the third Thursday of each month at 7.30pm except for the December meeting which shall be held at 7.00pm. If there is a speaker the meeting may commence at 7.00pm.
- b) Smoking is not permitted at any meeting of the Council.
- c) Meetings take place in the Council Chamber, First Floor, 50 Main Street, Keswick.
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.
- d) The order of business shall be stated on an agenda paper that shall be delivered to each Member at least 3 clear days prior to the date of the meeting along with the summons convening the meeting. Electronic service of the summons and agenda for the meeting shall be permitted on the requisition in writing of individual Councillors, at least three clear days before the meeting to include the electronic signature and title of the Proper Officer.
- e) **The minimum three clear days for notice of a meeting does not include the day on which notice was issued or the day of the meeting (subject to (f) below), 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.**
- f) **The minimum three clear days' public notice for a Committee 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.**
- g) Except at the discretion of the Chairman, all meetings of the Council shall finish not later than two and a half hours after commencement. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.

2 The Statutory Annual Meeting

- a) **In an election year, the Annual Council meeting 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 Council meeting 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 6.00pm.**
- d) **In addition to the statutory Annual Council meeting at least three other statutory meetings shall be held in each year on such dates and times as the Council may decide.** In the case of this Council, meetings shall be held on the third Thursday of each month in the Council Chamber at 7.30pm (apart from the December meeting and unless there is a speaker).

3 Chairman of the Meeting

- a) **The Chairman of the Council, if present, shall preside at a Council meeting. If the Chairman is absent from a meeting, the Vice Chairman of the Council, if present, shall preside. If both the Chairman and Vice-Chairman 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 Chairman in relation to the conduct of the meeting. The Clerk must never assume the role of Chairman.
- b) **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 annual 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 shall give a casting vote in the case of an equality of votes.**
- c) **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 Annual 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 shall give a casting vote in the case of an equality of votes.**
- d) **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.**
- e) Nominations for the positions of Chairman (Mayor) and Vice Chairman (Deputy Mayor) must be submitted to the Proper Officer in writing at least 7 days before the Annual Council Meeting takes place.

4. Committees and Sub-Committees

- a) The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision.
- b) Except where otherwise agreed by the full Council, committees have the devolved powers to research, discuss and propose/recommend actions but they may not take decisions on behalf of the Council.
- c) Except where otherwise agreed, Committees must report back to full Council for approval of any decisions to be made.
- d) Committees may not have devolved powers to spend, unless specific agreement has been given by full Council, again recommendations to spend must be put to full Council.
- e) **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- f) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

(A copy of the agreed Terms of Reference for the Staffing Committee is appended to these Standing Orders).

5. Extraordinary Meetings of the Council, Committees and Sub-Committees

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.
- c) If the Chairman of a committee (or sub-committee) does not call an extraordinary meeting it may be convened on the requisition 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 that meeting.
- d) **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**

6. Advisory Committees

- a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) An advisory committee may consist of persons who are not members of the Council.
- e) **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

7. Voting in Committees

- a) Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- b) Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
- c) Only Councillors have voting rights at meetings (unless other representatives attending sign up to the Code of Conduct and sign a Declaration of Interests).

8. Order of Business

- a) The order of business shall be stated on the agenda paper that shall be delivered to each member.
- b) **At each Annual Council Meeting the first business shall be:**

- (i) **To elect a Chairman of the Council**
 - (ii) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received**
 - (iii) **The Chairman of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.**
 - (iv) **To elect a Vice - Chairman of the Council**
 - (v) **To receive the Vice - Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received**
 - (vi) **The Vice-Chairman of the Council, unless he has resigned or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
 - (vii) **In an election year, to fill any vacancies left unfilled at the election by reason of insufficient nominations**
 - (viii) **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.**
- c) At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent, and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.
- d) 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 service of existing employees. Standing Order no. 22 must be read in conjunction with this requirement.
- e) After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- (i) To read and consider the Minutes, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read
 - (ii) After consideration, to approve the signature of the Minutes by the person presiding as a correct record
 - (iii) To deal with business expressly required by statute to be done.

9. Admission of the Public and Press to Meetings

- a) **Meetings (of the Council and its committees) shall be open to the public and press 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 and press's exclusion from part or all of the meeting shall be by a resolution which shall give reason for the public's exclusion**
- b) At all meetings of the Council, the Chairman may at his discretion, and at a convenient time in the transaction of business, allow any member of the public to address the meeting in relation to the business to be transacted.

- c) 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. Prior notice is not required from members of the public wishing to speak. However, the maximum length of time one person can speak will be 10 minutes and the maximum length of time for the whole public participation session will be 30 minutes. The Chairman has the right to curtail undue repetition of the points by different individuals.
- d) At all meetings of the Council, the Chairman may, at his 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 5 minutes.
- e) **Subject to Standing Order 9 (f) a person who attends a meeting (of the Council and its committees) 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.**
- f) **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.**
- g) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting (of the Council and its committees) at which they are entitled to be present.**
- h) Photographing, recording, film, broadcasting or transmitting the proceedings of a meeting by any means is subject to the Council's protocol on the recording and filming of Town Council and committee meetings.
- i) If a member of the public interrupts the proceedings at any meeting, the Chairman may after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
- j) 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.

10. Liaison with County and District Councillors

- a) A summons and agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

11. Proper Officer

- a) The Proper Officer of the Council is the Clerk.

- b) The Responsible Financial Officer of the Council is the Clerk unless a separate appointment has been made.
- c) The Council shall appoint an appropriate staff member to undertake the work of the Proper Officer and the Responsible Financial Officer when the Proper Officer or the Responsible Financial Officer is absent.
- d) Duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description.
- e) 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.
- f) The Proper Officer shall:-
 - (i) **At least three clear days before a meeting of the Council or a meeting of a committee serve on Councillors, by delivery or post at their residences or by e-mail authenticated subject to the provisions of Standing Order 1 (d) above and provided the Councillor has consented to service by email, a signed summons confirming the time, place and the agenda, and**
 - (ii) **Provide in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with the agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)**
 - (iii) **Facilitate inspection of the minute book by local government electors**
 - (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) **Receive and retain copies of bylaws made by other local authorities.**

12. Quorum of the Council

- a) **No business may be transacted at a Council 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.**
- b) **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.

13. Voting

- a) **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.**
- b) **Unless the meeting/Standing Order decides otherwise, voting on a question shall be by 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 the question.** Such a request shall be made before moving on to the next item of business on the agenda.
 - i. **Subject to (ii) and (iii) below 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.**

- ii. If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office, he may not give an original vote in an election for Chairman.
- iii. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- iv. Subject to the 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.
- v. A Councillor 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.

14. Resolutions Moved without Notice

- a) Resolutions on procedural matters may be moved without notice including those to vary the order of business on grounds of urgency or procedural efficiency. Such resolution shall be put to the vote without discussion.

15. Rules of Debate at meetings

- a) All remarks shall be addressed to the Chairman.
- b) A member shall raise their hand when requesting to speak.
- c) 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.
- d) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- e) A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- f) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder at the meeting.
- g) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- h) If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- i) An amendment shall not be considered unless early verbal notice of it is given at the meeting.
- j) A Councillor may move 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 at the meeting.
- k) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- 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 the debate.

- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply (not exceeding one minute) 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 vote.
- o) A member shall, except as provided by these Standing Orders, only be entitled to speak once on any motion or amendment, except by the consent of the Chairman.
- p) No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed two minutes except by consent of the Council.
- q) 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 Chairman.
- r) A member shall direct comments to the question under discussion or to a personal explanation or to a point of order.
- s) The ruling of the Chairman on a point of order or on the admissibility of any item shall not be discussed.
- t) A representative of the local Constabulary shall be allowed to speak at Council meetings at the discretion of the Chairman.
- u) Whenever the Chairman rises to his feet during a debate all other members shall be seated and silent.

16. Closure

- a) A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such motion if he feels that the question before the Council has not been sufficiently debated.

17. Disorderly Conduct

- a) All members must observe the Code of Conduct which was adopted by the Council on 19 July 2012, a copy of which is annexed to these Standing Orders (*Appendix 1*).
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

18. Rescission of Previous Resolution

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least three members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months.

19. Management of Information

- a) No member of the Council shall disclose to any person, not being a member of the Council, any business declared to be confidential by the Council.
- b) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- c) 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).**
- d) 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**
- e) Councillors, staff and the Council's contractors and agents shall not disclose confidential or personal data without legal justification.**
- f) Confidential papers that support an agenda are to be printed on 'yellow' paper and stamped 'confidential'.

20. Responsibilities to Provide Information

- 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

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

22. Discussions and Resolutions Affecting Employees of the Council

- a) If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it is subject to Standing Order no. 19.

23. Financial Controls and Procurement

- a) Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.
- b) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 23 (e) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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 submission of tenders (iii) the date of the Council's written response to tender and (iv) the prohibition of 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 with delegated responsibility
- d) Neither the Council, nor committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

- f) **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public, or the provision of a port or airport, or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

24. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution
- b) **Subject to Standing Order 24(a) any two Councillors may sign, on behalf of the Council, any deed required by law, and the Proper Officer shall witness their signatures.**

25. Accounts and Accounting Statements

- a) 'Proper practices' in Standing Orders refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioner's Guide'.
- b) All accounts for payment and claims upon the Council shall be laid before the Council.
- c) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- d) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (income and expenditure) for the year to 31 March. A completed draft Annual Governance and Accountability Return shall be presented to each Councillor. 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.

26. Estimates (Budgets) /Precepts

- a) The Council shall approve written estimates (budgets) for the coming financial year at its meeting before the end of the month of December.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than the end of October.

27. Variation, Revocation and Suspension of Standing Orders

- a) All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.
- c) The Clerk shall provide a copy of the Council's Standing Orders to all Councillors.

28. Interests, 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) Disclosable Pecuniary Interests
 - i) **Subject to (ii) below 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 to be considered, or 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.** Members should declare any interest to the meeting and should leave the room whilst any discussion or vote takes place.
 - ii) If a dispensation has been granted to a member in relation to a disclosable pecuniary interest then, subject to the terms of the dispensation, the member may be relieved from the above restrictions but will still be required to declare the interest to the meeting.
- c) **Dispensation requests shall be made 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.
- d) A decision as to whether to grant a dispensation shall be made by the Proper Officer and their decision is final.
- e) **A dispensation may be granted in accordance with Standing Order 29 (d) above if having regard to all relevant circumstances any of the following apply:**
 - (i) **Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business**
 - (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.**

29. Code of Conduct Complaints

- a) Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 19, report this to the Council.
- b) Where the notification in Standing Order 29 (a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 29 (d).
- c) The Council may:
 - i) Provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement
 - ii) Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter

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

30. Inspection of Documents

- a) All Minutes kept by the Council and by any Committee shall be open for the inspection of any member of Council.

31. Restrictions on Councillor Activities

- a) Unless authorised by resolution, no Councillor shall:
 - i) Inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii) Issue orders, instructions or directions

32. Interpretation

- a) In these Standing Orders words importing one gender shall include all genders and the singular includes the plural and vice versa.

**CODE OF CONDUCT
FOR MEMBERS AND CO-OPTED MEMBERS OF KESWICK TOWN COUNCIL**

1. Keswick Town Council (“The Council”) has adopted the following Code dealing with the conduct that is expected of Members and co-opted Members of the Council (“Members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The Code is intended to be consistent with the seven principles as attached to this Code and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted Member in the conduct of the Council’s business or acting as a representative of the Council.
5. When acting in your capacity as a Member:
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties
 - (3) You must not disclose any information given to you as a Member in breach of any confidence
 - (4) You must not bring your office or your Council into disrepute
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council’s statutory officers and its other employees

- (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit
- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below
- (10) You must ensure, when using or authorising the use by others of the resources of your Council, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986
- (11) You must promote and support high standards of conduct when serving in your office.

Registering and declaring disclosable pecuniary and other registrable interests

- (1) You must, within 28 days of taking office as a Member or co-opted Member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- (3) If an interest has not been entered onto the Council's Register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the Council's Register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.

SEVEN GENERAL PRINCIPLES OF CONDUCT

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

Leadership

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

PECUNIARY AND OTHER REGISTRABLE INTERESTS

DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member, or towards election expenses. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council –
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant Council.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
6. Details of any tenancy where (to the Member's knowledge) –
 - (a) The landlord is the relevant Council; and
 - (b) The tenant is a body in which the relevant person has a beneficial interest.
7. Details of any beneficial interest in securities of a body where
 - (a) That body (to the Member's knowledge) has a place of business or land in the area of the relevant 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 that 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

OTHER REGISTRABLE INTERESTS

These interests are what the Council has determined should be entered into the Council's register of interests

8. Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by the Council.

- 9 Details of any body of which you are a member, or in a position of general control or management, and which:
- (a) Exercises functions of a public nature;
 - (b) Is directed towards charitable purposes; or
 - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions)
10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

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 five Councillors, to include ex officio the Mayor and the 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 his/her leave requests, record and monitor absences, and handle grievance and disciplinary matters and pay disputes.

Reviewed May 2016