



# KESWICK TOWN COUNCIL

## STANDING ORDERS

REVISED MAY 2023  
For revision annually

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

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## 1 Meetings

- a) Meetings of the Council shall be held on the third Thursday of each month at 7.00pm. If there is a speaker the meeting may commence at 6.30pm.
- 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 Chair, 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 Chair 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 7.00pm (except if there is a speaker).

## 3 Chair of the Meeting

- a) **The Chair of the Council, if present, shall preside at a Council meeting. If the Chair is absent from a meeting, the Vice Chair of the Council, if present, shall preside. If both the Chair and 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.

- b) **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.**
- c) **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.**
- d) **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.**
- e) 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.

#### **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, Events Committee and Planning Group is appended to these Standing Orders).*

#### **5. 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) The Chair 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 Chair 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 Chair 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) Chairs 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 Chair of the Council.**
  - (ii) **To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - (iii) **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.**
  - (iv) **To elect a Vice-Chair of the Council.**
  - (v) To receive the Vice-Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - (vi) **The Vice-Chair of the Council, unless they have resigned 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.**
  - (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 Chair 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 Chair if the Chair and Vice Chair 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 Chair 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 Chair has the right to curtail undue repetition of the points by different individuals.
- d) At all meetings of the Council, the Chair 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 Chair may after warning, order that they 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 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 Chair of the Council, occasioned by a casual vacancy in their 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 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 his casting vote whether or not they 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 Chair and Vice-Chair until the end of their term of office, they may not give an original vote in an election for Chair.
  - iii. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.
  - 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 their right to participate and vote on that matter.



## **14. Resolutions Moved without Notice**

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 Chair.
- 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 Chair 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 Chair 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 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 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 Chair.
- 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 Chair.
- 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 Chair.
- 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 Chair 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 Chair.
- u) Whenever the Chair rises to their feet during a debate all other members shall be seated and silent.

## 16. Closure

A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chair may refuse such motion if they feel 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 16 February 2023, a copy of which is annexed to these Standing Orders (*Appendix 1*).
- b) 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.
- c) 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- d) If a resolution is made under standing order 17(c) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meetings. This may include temporarily suspending or closing the meeting.

## 18. Rescission of Previous Resolution

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**

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 £189,330 for a public service or supply contract or in excess of £4,733,252 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 £4,733,252 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 Chair 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 their 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 28 (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 Chair of the Council of this fact, and the Chair 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

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

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**

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

## **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, intimidatory 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**



- 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 reasonable 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 know 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 is 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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## **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.