



NewquayCouncil

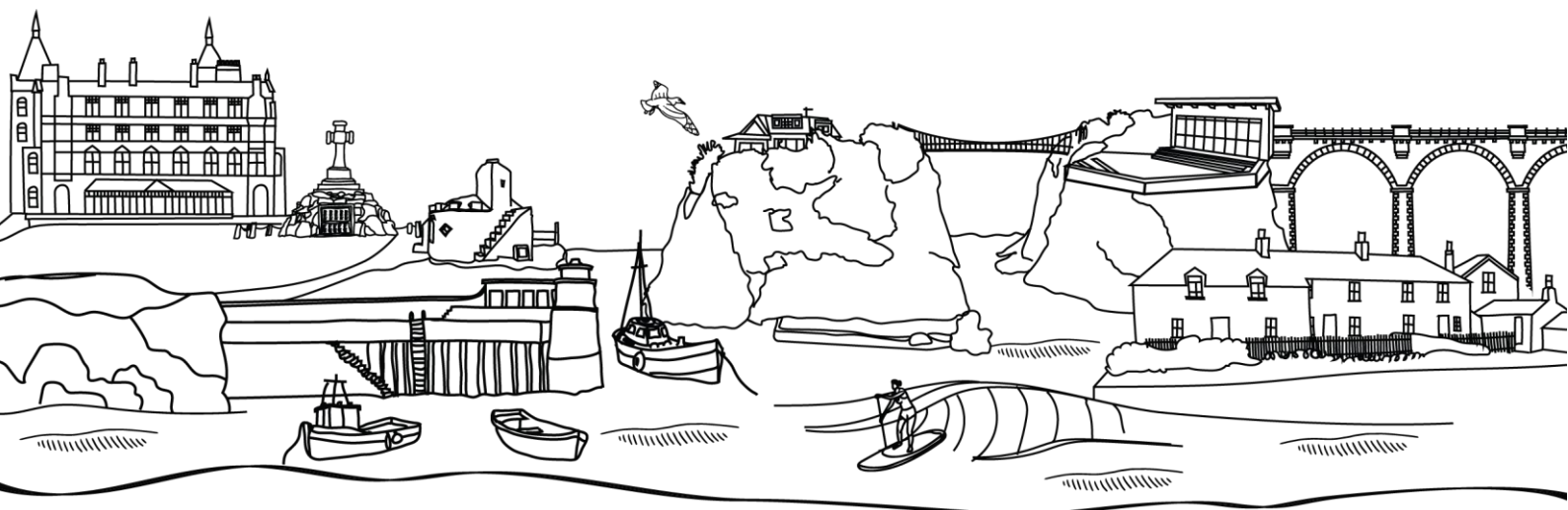
CorporateService

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This is a Policy or Procedure document of Newquay Town Council and as such must be fully adhered to by both councillors and employees.

Policy/Procedure File Status

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1. **RULES OF DEBATE AT MEETINGS**

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- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

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

2. **DISORDERLY CONDUCT AT MEETINGS**

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

3. MEETINGS GENERALLY

Full Council meetings



Committee meetings



Sub-committee meetings



-  a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
-  b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
-  c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
-   d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
-    e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. For the avoidance of doubt this means Registered Electors of Newquay. However, members of the public who are not Registered Electors of Newquay can be invited to make representations, answer questions and give evidence at a meeting by the chair of that meeting/committee should it be appropriate and right to do so. The chair of the meeting has full discretion on this and is in no way obliged or required to afford non-registered Electors of Newquay this discretion. Size and scope of the agenda along with potential benefits to members having the input should be considered by the chair at the time.
-    f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the chair of the meeting.
-    g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
-    h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
-  i A person shall raise his hand when requesting to speak and stand when speaking, except in the following circumstances:
- when a person has a disability
 - it is likely to cause discomfort
 - the Council's safety measures deem standing as inappropriate
 - the meeting is virtual or online (subject to this being legal at the time)

- those members and officers on the top table within the Council Chamber are not obliged to stand. Other than the chair, an active microphone shall signify they have the floor and are speaking

The chair of the meeting may at any time permit a person to be seated when speaking.

-  j A person who speaks at a meeting shall direct his comments to the chair of the meeting.
-  k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
-  l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
-  m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
-  n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his absence be done by, to or before the Deputy Mayor of the Council.**
-  p **The Mayor of the Council, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor of the Council if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
-  q **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.**
-  r **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 he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

-  s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands (or as directed at the start of the meeting by the chair, should this be a virtual or hybrid meeting). At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request must be made**

before voting on the question.



t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.



u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



v

No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.



w

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

x

A meeting shall not exceed a period of three hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee** provided the terms of reference of the sub-committee fall within the scope of the committee's own terms of reference.
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer two clear days before the meeting that they are unable to attend;
 - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than half of the seats of that committee or three (whichever is greater);
 - vii. shall determine if the public may participate at a meeting of a committee;
 - viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - x. may dissolve a committee or a sub-committee.

5. **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- f **The Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Deputy Mayor of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Mayor of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;

- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**
- a **The Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
 - b **If the Mayor 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.** The notice and summons must adhere to the notice periods as outlined within standing order 3.b.
 - c The chair of a committee, or a sub-committee, may convene an extraordinary meeting of the committee, or the sub-committee (as relevant), at any time.
 - d If the chair of a committee, or a sub-committee, does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, or the sub-committee, any two members of the committee, or the sub-committee, may convene an extraordinary meeting of the committee, or a sub-committee (as relevant). The notice and summons must adhere to the notice periods as outlined within standing order 3.c.

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least ten councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee, sub-committee or report from the Proper Officer (provided such committee or sub-committee is able to make such a recommendation under its terms of reference).
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. **VOTING ON APPOINTMENTS**

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

9. **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**
- a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
 - b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include: the day on which the notice is issued in accordance with the notice period defined by standing orders 3b or 3c respectively, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
 - c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
 - d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear days before the meeting.
 - e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
 - f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
 - g Motions received shall be recorded and numbered in the order that they are received.
 - h Motions rejected shall be recorded on file, with an explanation by the Proper Officer of the reason for rejection.
 - i For expediency, motions should be sent to the Proper Officer through the requisite "Motion form", as the form is designed to provide a clear explanation of what members are being asked. Reports and relevant information that is vital to the decision making and consideration of the request should also be sent at the same time as the motion for inclusion on the agenda (as relevant). Motions that are emailed to the Proper Officer should at least contain the same information as outlined on the form.

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

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

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and 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.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

Full Council meetings 

Committee meetings 

Sub-committee meetings 

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

   b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).

   c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

   d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

   e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

   f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances 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.**

14. **CODE OF CONDUCT COMPLAINTS**

- a **Upon notification by the 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.**

15. **PROPER OFFICER**

- a The Proper Officer shall be either:
- i. the Chief Executive or
 - ii. in the absence of the Chief Executive, the Director of Resources
 - iii. other staff member(s) nominated by the Council to undertake the work of the Proper Officer when both the Chief Executive and the Director of Resources are absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least seven clear days before the meeting confirming his withdrawal of it (see standing order 9(b) for information appertaining to what seven clear days mean);
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's

relevant policies and procedures;

- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. unless delegated to another officer, arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. unless delegated to another officer, record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. unless delegated to another officer, refer a planning application received by the Council to the Chair or in his absence Vice-Chair of the Planning and Licensing Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning and Licensing committee;
- xvi. manage access to information about the Council via the publication scheme;
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (*see also standing order 23*); and
- xviii. oversee the effective and efficient operation of the Council, directing staff and resources in accordance with policies, procedures and in the best interests of the Council as Head of Paid Service.

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 30 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each month since the last report;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the bank balances held at the end of the quarter being reported

and with regards to 17C(ii) which includes a percentage comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£60,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm
 - a. the Council's specification
 - b. the time, date and address for the submission of tenders
 - c. the date of the Council's written response to the tender and
 - d. the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor or two officers after the deadline for submission of tenders has passed;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee, sub-committee or officer with delegated responsibility.
- d. The Council, an officer with delegated responsibility, a committee or a sub-committee with delegated responsibility for considering tenders, is not bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Council or the Governance and Resources Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the People Manager will track absence as part of their ASH Targets (KPI) and report those to the Governance and Resources Committee as needed.
- c The Mayor or in their absence, the Deputy Mayor shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Chief Executive. The People Manager will arrange for reviews and appraisals of all other staff members. The reviews and appraisal(s) shall be reported in writing.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's Head of Paid Service (or other members of staff such as the People Manager) shall oversee the process and report any actions, as appropriate, to the Governance and Resources Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Chief Executive relates to the chair or vice-chair of the Governance and Resources Committee, this shall be communicated to another member of the Governance and Resources Committee, which shall be reported back and progressed by resolution of the Governance and Resources Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f) in so far as only those records that are needed to carry out the specific function to which they have been appointed to carry out.
- h The Chief Executive is designated as the Council's Head of Paid Service and as such will undertake any reasonable actions to effectively manage the Council's paid and unpaid (volunteers/internships) establishment.

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

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

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a The Council has appointed the Data Protection and IT Manager as the 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. **RELATIONS WITH THE PRESS/MEDIA**

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

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution or in accordance with the Scheme of Delegation.
- b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**
- c Where contracts and other agreements need to be signed on behalf of the Council, the Chief Executive or other authorised Director is able to sign on behalf of the Council, subject to the Scheme of Delegation.

24. COMMUNICATING WITH UNITARY COUNCILLORS

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

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions,
 - iii. interfere, influence or try to change the position or work of a duly delegated officer, carrying out their duties (this is outside of any working party, committee or indeed informal consultation arrangement the officer is working within).

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

27. BUDGET SETTING MEETINGS AND PROCESS

- a The Council shall follow any procedure or adopted process in relation to the annual Budget Setting Process. This includes the inability for members to raise further amendments at the final Budget Setting Council meeting.

28. **OPERATIONAL CULTURE**

- a In 2025, the Council implemented sweeping changes of its culture and governance arrangements, including a change to the staff structure. This gave officers full authority to make decisions and progress all operational matters of the Council, within the Scheme of Delegation. Full Council and Committees set the Strategic Direction of the organisation, under the parameters of the adopted Corporate Plan, it is therefore for Officers to operationalise those decisions and make all reasonable decisions to deliver the objectives under that framework.
- b Officers are now performance managed against outputs and KPIs agreed with the Council and amended from time to time, in full consultation and agreement with those officers. There is an implementation period whilst vacancies exist for posts following the Staff Review implementation, which impact the deliverability of some KPIs. Directors and members are to review the KPIs to reflect this initial delay in order to ensure they remain relevant, reasonable and deliverable.
- c Council and Committees must refrain from interfering with operational decision-making where this has been delegated to officers, in order to avoid unintended consequences such as KPIs and wider performance measures not being met, or indeed resources being diverted in such a way that there is a negative impact on Corporate Plan Objective delivery.
- d Council and Committees are able to scrutinise the decisions made wholly by an officer/officers through the creation of a working party of members, whose terms of reference will be agreed by Council or the appointing Committee; with the scope being focused on the specific decision or incident under review.
- e Where a committee or Council wishes to implement a scrutiny process under 28d, this should only be undertaken where other employment processes are not underway; for example where disciplinary action, a grievance or some other formal process (complaint/code of conduct complaint etc) is live for that matter, unless that process has requested further scrutiny by a working party of members as opposed to an investigating officer. This is to protect the integrity of regulated employment or other such processes; which may lead to formal action with relevant officers.
- f Scrutiny processes should be undertaken in a confidential setting, with the ability for officers to provide evidence or defend decision making in a safe space; especially where matters outside their control or where interference has occurred. Any findings and recommendations should then be submitted to the Committee or Council for consideration (this may be in open or exempt business depending on the nature of the issue and any advice at the time from officers/advisors).
- g It is important for both officers and members to work together as one authority and so where there is disagreement by a member with how an operational matter is being dealt with, they should put forward their views to the relevant officer for awareness or consideration. Where a member has a disclosable or non-registrable interest in the matter they are emailing the officer about, this should be made clear and officers should take this into account. Members must recognise officers work for the Council under the established policies, procedures and indeed the Corporate Plan and so a member must not disrupt the work of an officer because of a personal matter/interest. The officer should take into account any views from members, but

to be clear, they have a duty to act in the best interests of the Council and residents of Newquay as a whole.

29. REMOTE OR HYBRID MEETINGS

- a These Standing Orders shall apply only where it is deemed legal to hold remote or hybrid meetings of the Council or its committees.

Remote Access

- i. The definition of meeting within the Council's standing orders is amended so that
 - (1) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
 - (2) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
 - (3) where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- ii. If the Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
- iii. If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

Councillor Attendance

- iv. A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
 - (1) hear and where practicable see other members of the council
 - (2) hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chair
- v. A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 28 (iv) are not met.
- vi. Subject to 28 (v) the Chair may if appropriate
 - (1) adjourn the meeting to permit conditions for remote attendance to be re-established
 - (2) count the number of councillors in attendance for the purpose of the quorum
- vii. In respect of hybrid meetings, an agreed method of determining who can attend a meeting physically and who can attend a meeting virtually will be established and implemented, subject to any measures which may change over time (i.e. room capacity limits).

Public Attendance

- viii. A member of the public is in remote attendance when they can:
 - (1) hear and where practicable see and so be heard and where practicable be seen by members of the council at the meeting
 - (2) hear and where practicable see and so be heard and where practicable be seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the Chair
- ix. A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 28 (vii) are not met.
- x. Subject to 28 (viii) the Chair may if appropriate
 - (1) adjourn the meeting to permit conditions for remote attendance to be re-established
 - (2) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

- xi. The Council will only allow written questions received from Newquay Registered Electors in advance of the meeting (received by any set deadline which shall be published with the agenda). It may not be possible for the public to ask questions directly at the meeting depending on the system in use – if it is technologically possible and reasonable to allow verbal questions as part of the meeting, then the chair has discretion to allow and invite the public and non-committee members to do so within the existing limitations on time and engagement.

Remote Voting

- xii. Unless a recorded vote is demanded, the Chair will take the vote by:

- (1) confirmation of the meeting that there is agreement or
- (2) a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.
- (3) A voting function on the respective IT system may also be used where appropriate, provided a result can be obtained by the Proper Officer in a timely way at the meeting.

Code of Conduct – Councillors excluded from the meeting

- xii. Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote takes place. This could involve the councillor being placed into a virtual waiting room separate to the main virtual meeting room.

Exclusion of the press and public

- xiii. Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then:
 - (1) The means of remote attendance and access to the meeting by members of the press and public will be severed. This could involve the relevant persons being placed into a virtual waiting room separate to the main virtual meeting room.
 - (2) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.