

## **FALMOUTH TOWN COUNCIL**

Minutes of the Annual Meeting of the Council held in the Council Chamber, Municipal Buildings, The Moor, Falmouth on Monday 20<sup>th</sup> May 2019 at 7.00pm.

Present: Councillors G G Chappel (Town Mayor), A Parker (Deputy Mayor), L D Coley, S D Eva, A J Gillett, A J Jewell CC, M T McCarthy CC, P A Minson, M C Morgan, R J O'Shea, B M A Ross, D W Saunby CC and J M Spargo.

|                             |                      |
|-----------------------------|----------------------|
| In Attendance: A M Williams | (Town Clerk)         |
| R J Gates                   | (Town Manager)       |
| Father I Froom              | (Mayor's Chaplain)   |
| M Bradley                   | (Fairtrade Falmouth) |
| Police Cadet O Nidds        | (Mayor's Cadet)      |

### **PRAYERS**

Prior to the formal commencement of the meeting prayers were said by the Mayor's Chaplain Father Froom.

### **C5184 ELECTION OF TOWN MAYOR**

The Town Mayor sought nominations. There being two nominations received.

It was proposed by Councillor McCarthy, seconded by Councillor Morgan and

RESOLVED that Councillor Stephen David Eva  
be appointed Town Mayor for the ensuing Municipal  
year.

A Motion proposed by Councillor Ross and seconded by Councillor O'Shea that Councillor Grenville Chappel be appointed Town Mayor was LOST.

Councillor Eva duly read and signed the Declaration of Acceptance of Office as Town Mayor. There was a brief adjournment for the Mayor to robe.

The Town Mayor presented Councillor Chappel with past Mayoral Service insignia and Councillor Chappel thanked the Council for supporting him, as well as his Consort, Chaplain and Cadet.

Councillor Eva thanked the Council for his election, he appointed his wife Vicky Eva as his Consort and the Reverend Charles Blizzard as his Mayoral Chaplain. He would appoint a Police Cadet in due course. His Mayoral Charity would be Falmouth Age Concern. He recognised the innovative work the Council was undertaking and the significant improvements in his time as a Councillor. He looked forward to carrying that on, he recognised it was a legacy of former Councillor Candy Atherton.

### **C5185 APOLOGIES**

Apologies of absence were received and approved from Councillors Bonney (family commitment) and Evans (holiday).

### **C5186 INTERESTS**

None received.

**C5187 ELECTION OF DEPUTY MAYOR**

The Town Mayor invited nominations for Deputy Mayor. There being one nomination received.

It was proposed by Councillor Eva, seconded by Councillor Parker and

RESOLVED that Councillor Patricia Minson be appointed Deputy Mayor for the ensuing Municipal year.

The Town Mayor thanked retiring Deputy Mayor Councillor Parker for his efforts and Councillor Parker addressed the Council.

**C5188 APPOINTMENT OF STANDING COMMITTEES**

The recommendations of the Council were considered.

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that

- (i) the Standing Committees of the Council be appointed for the ensuing year as set out at Appendix I that forms part of these minutes
- (ii) Chairs and Vice-Chairs of Standing Committees be appointed by the respective Committees.

It was noted that the Planning Committee would operate with seven sitting Councillors initially. Further that Councillor Chappel would sit on the Staffing Committee until the Town Mayor was qualified to do so.

**C5189 APPOINTMENT OF WORKING PARTIES AND SUB-COMMITTEES**

The recommendations of the Council were considered.

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that

- (i) the Working Parties and Sub-Committees be appointed for the ensuing Municipal year as set out in Appendix II that forms part of these minutes
- (ii) Chairs and Vice-Chairs of Working Parties and Sub-Committees where it is not prescribed otherwise be appointed by the respective Working Party and Sub-Committee.

**C5190 REPRESENTATIVES ON OUTSIDE BODIES**

The recommendations of the Council were considered.

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that the representatives on Outside Bodies be appointed to serve the ensuing year as set out at Appendix III that forms part of these minutes.

**C5191 COUNCILLOR CHAMPIONS**

The recommendations of the Council were considered.

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that Councillor Champions be appointed to serve the ensuing year as set out Appendix IV that forms part of these minutes.

**C5192 COUNCILLOR ATTENDANCE**

The Councillor attendance records for the 2018/19 Municipal year that are attached as part of these minutes at Appendix V were duly noted.

**C5193 STANDING ORDERS AND FINACIAL REGULATIONS**

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that Standing Orders and Financial Regulations be agreed and operated by the Council and as attached as part of these minutes.

**C5194 SCHEDULE OF MEETINGS 2019/20**

The schedule of meetings for 2019/20 as previously agreed by the Council was duly noted and as attached as part of these minutes at Appendix VI.

**C5195 HEALTH AND SAFETY**

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that the Council's Health and Safety Policy Statement be agreed and as attached as part of these minutes at Appendix VII.

**C5196 RISK MANAGEMENT**

It was proposed by Councillor Chappel, seconded by Councillor Jewell and

RESOLVED that the Council's Risk Management Policy and Risk Management strategies be approved as set out at Appendix VIII.

**C5197 GENERAL POWER OF COMPETENCE**

It was proposed by Councillor McCarthy, seconded by Councillor Ross and

RESOLVED that as the Council was compliant with the electoral mandate, and the Town Clerk holds the Certificate in Local Council Administration including the relevant training, then it exercises the General Power of Competence pursuant to the Localism Act 2011 S 1.

There being no further business to transact the Chairman declared the meeting closed at 7.30pm.

Signed: ..... Date: .....



## FALMOUTH TOWN COUNCIL

### STANDING COMMITTEES 2019/20

#### Cultural Services Committee

Councillors: (x 8)

L D Coley, G F Evans, A J Gillett, M T McCarthy, A Parker,  
J C Robinson, B M A Ross and D W Saunby

#### Planning Committee

Councillors: (x 8)

(NB operating with x 7 for 2019)

R J Bonney, G G Chappel, A J Jewell, S D Eva, M C Morgan,  
R J O'Shea and J M Spargo

#### Finance and General Purposes Committee

Councillors:

All Members

#### Staffing Committee

Councillors: (x 6)

R J O'Shea (as Chair of Finance and General Purposes  
Committee), L D Coley, G F Evans (as Chairman of  
Cultural Services Committee), G G Chappel (until Town  
Mayor is qualified to sit) P A Minson and J C Robinson

#### Licensing Committee

Councillors: (x 6)

R J Bonney, S D Eva, A J Gillett, M C Morgan, A Parker  
and D W Saunby

#### Attending Officers/Partners:

Cultural Services Committee :

(Town Clerk as required) Cultural Services  
Director and Dracaena Centre Manager

Planning Committee :

(Town Clerk as required) Administrative Officer

Finance and General Purposes Committee :

Town Clerk and Finance Officer

Licensing Committee :

Administrative Officer and Police Representative

Staffing Committee:

Town Clerk



**FALMOUTH TOWN COUNCIL  
WORKING PARTIES AND SUB-COMMITTEES 2019/20**

Trescobeas Recreation Area Working Party

Councillors: (x 5) B M A Ross (Chairman), G G Chappel, L D Coley, M C Morgan and D W Saunby

(Representatives of the Lambs Lane and Ashfield Members Association also attend in a non-voting capacity)

Kimberley Park Working Party

Councillors: (x 5 including x3 Smithick Ward Members) J C Robinson (Chairman), L D Coley, A J Gillet, B M A Ross and J M Spargo

(Members of Kimberley Park Association also attend in a non- voting capacity)

Cemeteries Working Party

Councillors: (x 6) B M A Ross (Chairman), R J Bonney, A J Jewell, P A Minson, A Parker and D W Saunby

Finance Sub-Committee

Councillors: Chairman and Vice-Chairman of Finance and General Purposes Committee and Town Mayor and Deputy Mayor.

Dracaena Fields Working Party

Councillors (x 5 including x 3 Penwerris Ward Members) G G Chappel (Chairman), L D Coley, A J Gillett, M T McCarthy and B M A Ross

(Representatives of the Dracaena Centre and Skateboard Committee also attend in a non-voting capacity)

Grounds and Property Sub-Committee

Councillors: (x 6) J C Robinson (Chairman), L D Coley, G F Evans, A J Gillett, R J O'Shea and A Parker



## FALMOUTH TOWN COUNCIL

### REPRESENTATIVES ON OUTSIDE BODIES 2019/20

The appointments marked \* are made independently of the Council. Some appointments are made on an individual basis and others by role e.g. Town Mayor.

|  |  |
|--|--|
| Age Concern  | Councillor S D Eva   |
| West Cornwall<br>CCTV Stakeholders                                       | Councillor S D Eva (Deputy : Councillor M C Morgan)<br>(usually Night-Time Economy Champion) |
| Cornwall Association of Local<br>Councils *                              | Councillor B M A Ross  |
| Cornwall Association of Larger<br>Councils – Local Councils<br>Committee | Councillor B M A Ross  |
| Cornwall Flood Forum   | Councillor B M A Ross  |
| Earle's Retreat<br>(fixed appointments)                                  | Councillors G G Chapel and M C Morgan  |
| Falmouth Beach Management<br>Group                                       | Councillor A Parker  |
| Falmouth Car Club Steering<br>Group                                      | Councillor S D Eva   |
| Falmouth Christmas Activities<br>Committee                               | Councillors S D Eva, M C Morgan and J M Spargo   |
| Falmouth Citizens Advice   | Councillor A J Gillett   |
| Falmouth Conservation Area<br>Committee                                  | Chair and Vice Chair of Planning Committee   |
| Falmouth Fairtrade   | Councillors J C Robinson and B M A Ross  |
| Falmouth Gardeners &<br>Allotment Society                                | Councillor G F Evans   |

|   |  |
|---|--|
| Fal and Helford Advisory Committee                | Councillor B M A Ross                            |
| Cornwall Council - Falmouth Place Shaping Group   | Councillors Evans, Jewell, McCarthy and Saunby   |
| Falmouth and Penryn Community Network             | Councillor B M A Ross                            |
| Falmouth in Bloom                                 | Town Mayor and Councillor L D Coley              |
| Falmouth Neighbourhood Plan Steering Committee    | Councillors G G Chappel and A Parker             |
| Falmouth Twinning Association                     | Mayor (Ex Officio) and G G Chappel               |
| Maritime Line Working Party (Rail Branch Line)    | Councillor D W Saunby                            |
| Mencap  | Councillor M C Morgan                            |
| Office for the Police & Crime Commissioner (OPCC) | Councillor B M A Ross                            |
| Plastic Free Falmouth                             | Councillors A J Gillett, A Parker and J M Spargo |
| Safer Falmouth                                    | Councillor A J Gillett                           |
| Swanpool Nature Reserve                           | Councillor G F Evans                             |
| Taxi and Private Hire Forum                       | Councillor S D Eva                               |
| Universities Information Sharing Group            | Town Mayor                                       |

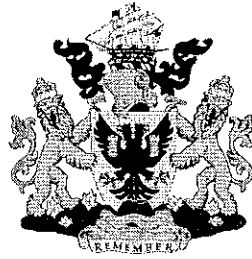
NB: Also the Town Clerk represents the Council in the following aspects:

Moor Stakeholders, Management Group  
 Street Pastors Management Committee  
 CALC – Large Councils Committee \*  
 Falmouth BID Board  
 Safer Falmouth  
 West Cornwall CCTV Stakeholders Group \*  
 Universities Information Sharing Group  
 Falmouth Neighbourhood Plan Steering Group  
 Maritime Line Working Party (Deputy : Town Manager)  
 Cornwall Council – Falmouth Place Shaping Group \*

Also the Town Manager represents the Council in the following aspects:

Falmouth Week Shoreside Committee  
Falmouth Oyster Festival Committee  
Sea Shanty Management Committee  
Joint Services Group  
Safer Falmouth  
Falmouth BID Board (Deputy : Town Clerk) \*  
Falmouth Traders Group  
Cornwall Council – Falmouth Place Shaping Group \*





**FALMOUTH TOWN COUNCIL  
COUNCILLOR CHAMPIONS 2019/20**

Environmental Services

Councillor Ms J Robinson  
(Contact – Richard Gates/Mike Lynch)

Tourism/Events

Councillor J Spargo  
(Contact –Richard Gates)

University Liaison/ Schools

Councillor R O'Shea  
(Contact – Ruth Grimmer/R Hillier)

Town Centre/Night-time Economy

Councillor S D Eva  
(Contact – Richard Gates/PC Matt Cummins)

Community Engagement

Councillors Ms A Gillet and B M A Ross  
(Contact – Mark Williams and Donna Williams)

Health and Safety

Councillor Ms M Morgan  
(Contact – Mark Williams / Simon Penna)

Safeguarding

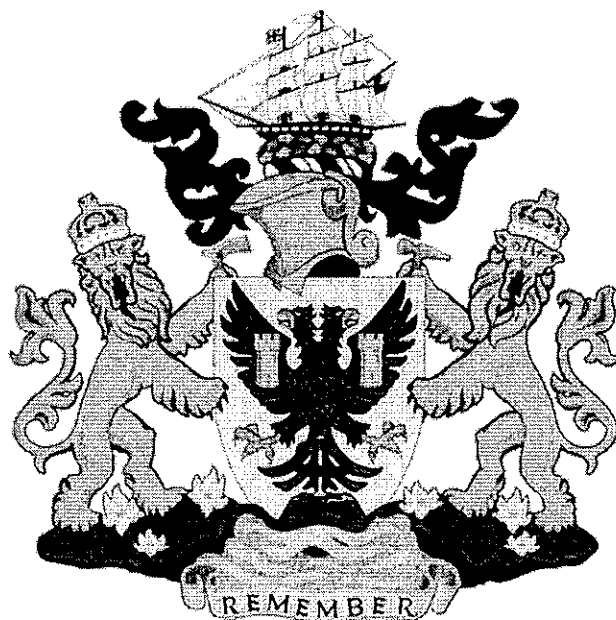
Councillor Mrs P Minson  
(Contact – Mark Williams or Donna Williams)

Information and Data

TBA

**APPENDIX V****FALMOUTH TOWN COUNCIL****MEMBER ATTENDANCES FOR MUNICIPAL YEAR 2018/19**

| <u>Councillor</u> | <u>Attendance</u> | <u>%</u> | <u>Apologies</u> | <u>Reason</u>  |
|-------------------|-------------------|----------|------------------|--|
| R J Bonney        | 42 from 48        | 88       | 6                | 2 x family illness, 1 x hospital appointment,<br>3 x no apology                                |
| G G Chappel       | 36 from 41        | 88       | 5                | 2 x holiday, 3 x Civic   |
| L C Coley         | 36 from 41        | 88       | 5                | 2 x ill, 1 x work, 1 x prior commitment,<br>1 x no apology                                     |
| S D Eva           | 41 from 48        | 85       | 7                | 3 x holiday, 2 x work, 1 x family commitment,<br>1 x no apology                                |
| G F Evans         | 19 from 26        | 73       | 7                | 1 x ill, 1 x Cornwall Council business,<br>3 x holiday, 1 x Theydon Trust meeting,<br>1 x work |
| A J Gillett       | 20 from 25        | 80       | 5                | 1 x ill, 3 x holiday, 1 x no apology   |
| A J Jewell        | 35 from 35        | 100      | 0                |  |
| M T McCarthy      | 12 from 22        | 55       | 10               | 1 x work, 1 x ill, 1 x family commitment,<br>7 x no apology                                    |
| P A Minson        | 36 from 38        | 95       | 2                | 1 x no reason, 1 x to leave the Committee  |
| M C Morgan        | 37 from 48        | 77       | 11               | 9 x ill, 1 x holiday, 1 x family commitment  |
| R J O'Shea        | 36 from 39        | 92       | 3                | 2 x family commitment, 1 x work  |
| A Parker          | 32 from 35        | 91       | 3                | 1 x Council training, 2 x holiday  |
| J C Robinson      | 16 from 28        | 57       | 12               | 5 x ill, 3 x holiday, 1 x ill pet, 3 x no apology  |
| B M A Ross        | 19 from 22        | 86       | 3                | 1 x ill, 2 x no apology  |
| D W Saunby        | 30 from 35        | 86       | 5                | 2 x ill, 1 x charity commitment,<br>1 x Cornwall Council business, 1 x no apology              |
| J M Spargo        | 34 from 35        | 97       | 1                | 1 x holiday  |



# **FALMOUTH TOWN COUNCIL**

## **STANDING ORDERS**

**MAY 2019**

**Approved: 20<sup>th</sup> May 2019**

**Minute: C5193**

## **How to use these standing orders**

Standing orders are the written rules of the council. They are used to confirm the council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of the council but they refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full councils, councillors and the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. So the council should have standing orders to confirm those statutory requirements. The council has standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements. Standing orders not in bold are there to help the council operate effectively but do not contain statutory requirements so they have been designed to suit the council's needs. For convenience, the word "councillor" is used in standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

The standing orders do not include the council's financial regulations but they are attached at Appendix 4. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

Standing orders, financial regulations and council policies are issued to all councillors and these standing orders should be used in conjunction with the Council's financial regulations, code of conduct and all policies and procedures duly adopted by the Council. Further copies of standing orders may be obtained from the Town Clerk.

AM Williams FCIS FSLCC

Town Clerk

## **List of standing orders**

|            |  |           |
|------------|--|-----------|
| <b>1.</b>  | <b>Rules of debate at meetings</b>   | <b>1</b>  |
| <b>2.</b>  | <b>Disorderly conduct at meetings</b>  | <b>2</b>  |
| <b>3.</b>  | <b>Meetings generally</b>  | <b>3</b>  |
| <b>4.</b>  | <b>Filming and Recording Meetings</b>  | <b>5</b>  |
| <b>5.</b>  | <b>Committees and sub-committees</b>   | <b>5</b>  |
| <b>6.</b>  | <b>Ordinary council meetings</b>   | <b>7</b>  |
| <b>7.</b>  | <b>Extraordinary meetings of the council and committees and sub-committees</b>             | <b>8</b>  |
| <b>8.</b>  | <b>Previous resolutions</b>  | <b>8</b>  |
| <b>9.</b>  | <b>Voting on appointments</b>  | <b>9</b>  |
| <b>10.</b> | <b>Motions for a meeting that require written notice to be given to the Proper Officer</b> | <b>9</b>  |
| <b>11.</b> | <b>Motions at a meeting that do not require written notice</b>                             | <b>10</b> |
| <b>12.</b> | <b>Handling confidential or sensitive information</b>                                      | <b>10</b> |
| <b>13.</b> | <b>Draft minutes</b>   | <b>10</b> |
| <b>14.</b> | <b>Code of conduct and dispensations</b>   | <b>11</b> |
| <b>15.</b> | <b>Code of Conduct Complaints</b>  | <b>12</b> |
| <b>16.</b> | <b>Proper Officer</b>  | <b>13</b> |
| <b>17.</b> | <b>Responsible Financial Officer</b>   | <b>14</b> |
| <b>18.</b> | <b>Accounts and accounting statements</b>  | <b>14</b> |
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| <b>20.</b> | <b>Handling staff matters</b>  | <b>16</b> |
| <b>21.</b> | <b>Requests for Information</b>  | <b>16</b> |
| <b>22.</b> | <b>Relations with the press/media</b>  | <b>17</b> |
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| <b>26.</b> | <b>Standing orders generally</b>   | <b>17</b> |

## APPENDICES

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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 chairman 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 chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 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 chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 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 of 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 chairman 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. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman 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 requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman 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 chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.



### 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 of 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 raise formal questions at a meeting if sufficient notice has been given and at the discretion of the Town Clerk as to the appropriateness of the question(s)
- f In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given. At the Chairman's discretion and with the agreement of the Council, a member of the public may be invited to answer questions on matter of fact relating to the item under consideration by the Council at that point on the agenda where the matter is discussed.
- g A person shall raise his hand when requesting to speak and when directed to speak by the chairman stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- h A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- i Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

■ ■

- j 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.
- k Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.
- l The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- ■ ■ m Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting.
- ■ ■ n The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.  
*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*
- o Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda and will be taken in alphabetical order of those present at the meeting and eligible to vote.
- p The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
  - vii. the mover and seconder of motions and amendments.
- ■ ■ q 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.

- r **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 5d(viii) below for the quorum of a committee or sub-committee meeting.*
- ■ ■ s **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.
- t A meeting shall not exceed a period of 3 hours.

## 4. Filming and recording meetings

- a When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:
  - (i) film, photograph or make an audio recording of a meeting;
  - (ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - (iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- c An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d Disruptive behaviour
  - (i) no filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting
  - (ii) if a person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion
  - (iii) if a resolution under standing order 4 d (ii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matter.

## 5. Committees and sub-committees

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which

**regulates and controls the finances of the council.**

- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:**
- i. shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice-Chairman as ex officio members with or without voting rights;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee or delegate that appointment to the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee.
- e The consideration of all licensing applications, and licensing matters referred to the council by the Licensing Authority or otherwise, shall be undertaken by the Licensing Committee to make observations within the time period specified without referral for approval by the council**
- f The consideration of all applications and planning matters referred to the Council by the Planning Authority, which require the submission of observations within a period of time specified by legislation shall be considered by the Planning Committee to exercise the said power within the period described by law. Applications will be reviewed by the Chairman/Vice-Chairman of the Planning Committee (or other member(s) of the Committee if the Chairman and Vice-Chairman are unavailable) and will decide whether an application is significant or routine. Routine applications will be placed on a delegated list with an appropriate recommendation by the Chairman and Vice-Chairman (or other member(s)) and approved by the Planning Committee en bloc without discussion, unless a member of the Council notifies the Chairman of the Planning Committee of concerns prior to the meeting, which will entail it being moved to the significant applications list. Other planning applications will be treated as significant and considered individually by the Planning committee.**
- The Council recognises and operates to the Planning Authority protocols regarding consideration of planning matters.**
- g Unless the Council determines otherwise each standing Committee shall appoint a Chairman and a Vice-Chairman at its first meeting in the relevant municipal year.**
- h Unless the Council or parent Committee determines otherwise each Sub-Committee and Working Party shall appoint a Chairman and a Vice-Chairman at its first meeting in the relevant municipal year. Except for the Finance Sub-Committee, where the Chairman of the Finance and General Purposes Committee will Chair.**
- i Membership of the Staffing Committee, Planning Committee and Licensing Committee will be dependent upon the councillor having undertaken the agreed training relevant to that role.**

- j For those councillors that enter meetings after its commencement and/or leave before the cessation, and/or leave for a part of the meeting then that detail shall be recorded in the minutes.
- k The Planning Committee shall normally have a separate membership to the Cultural Services Committee to ensure a better equality of allocation of seats.
- l The Staffing Committee membership will normally include the Town Mayor, Chairman of the Cultural Services Committee and Chairman of the Finance and General Purposes Committee.

## 6. Ordinary Council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c The annual meeting of the council shall take place at 7pm.
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman (Town Mayor) and Vice-Chairman (Deputy Mayor) of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include, and as required:
  - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;

- v. 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 5 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - 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 assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insured 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 procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - xviii. Review of the council's policy for dealing with the press/media; and
  - xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.
- k For those councillors that enter meetings after its commencement and/or leave before the cessation, and/or leave for a part of the meeting then that detail shall be recorded in the minutes.

## **7. Extraordinary meetings of the Council and committees and sub-committees**

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.
- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 3 members of the committee or the sub-committee, any 3 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

## **8. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 10 below.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. 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 chairman of the meeting.
- b Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk or the senior attending officer.

## **10. Motions for a meeting that require written notice to be given to the Proper Officer**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be 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 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 10(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- i A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaint Procedure or employment policies.

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

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

## **12. Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **13. Draft minutes**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:



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

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

## **14. Code of Conduct, and dispensations**

*See also standing order 3(q) above.*

### **General**

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

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

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

### **Members and the Code of Conduct**

- d. All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- e. All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f. All councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.
- g. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- h. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i. Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's Code of Conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.

- j. You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality that could be seen by the public as likely to influence your judgement in these matters.
- k. A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

## **Dispensations**

- l. 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.
- m. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- n. 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.
- o. This policy shall apply to all meetings of the Council, its committees and sub-committees.
- p. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- q. A dispensation may be granted in accordance with standing order 14(m) above if having regard to all relevant circumstances the following applies:
  - 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 or
  - 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.

## **15. Code of Conduct Complaints**

- a. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman or Vice-Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. Where notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

- d. The council may;
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- e. References to a notification shall be taken to refer to a communication of any kind which related to a Breach or an alleged breach of the code of conduct by a councillor.
- f. Upon notification by the Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, of any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.

## 16. Proper Officer

- a. The Town Clerk shall undertake the role of the Proper Officer. When the Clerk is absent the Administrative Officer shall undertake the work of the Proper Officer. He shall manage the operation of the Council within the policies and budgets set by the Council.
- b. The Proper Officer shall:
  - i. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer]. *See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.*
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**  
  
*See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.*
  - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
  - iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xii. arrange for legal deeds to be executed;  
*See also standing order 23 below.*

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xiv. record every planning application notified to the council and the council's response to the local planning authority,
  - xv. refer a planning application received by the Council to the Chairman, or in his absence the Vice-Chairman, of the Planning Committee within three 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 committee;
  - xvi. manage access to information about the council via the publication scheme; and
  - xvii. retain custody of the seal of the council which shall not be used without a resolution to that effect.  
*See also standing order 23 below.*
- c. When decisions of an urgent nature need to be made between meetings of Committees the Town Clerk shall be given delegated powers to act, in consultation with the relevant committee Chairman and Vice-Chairman and/or Town Mayor and Deputy Mayor. The decision to be reported back to the next Committee meeting.
  - d. The Town Clerk as Proper Officer will undertake the management and supervisory functions of the Council's staff and contractors.

## 17. Responsible Financial Officer

- a. The Town Clerk shall undertake the role of the Responsible Financial Officer. When the Town Clerk is absent the Finance Officer shall undertake the work of the Responsible Financial Officer.

## 18. Accounts and accounting statements

- a. **"Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide**
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council's receipts and payments for each quarter;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported

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

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including

the annual governance statement, shall be presented to council for consideration and formal approval before 30 June or as instructed by the Council's external auditor.

## 19. 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. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 19(d) below.**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
  - vii. Details of the successful tender shall be reported and advertised as required by law.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £164,000 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

## 20. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the staffing committee is subject to standing order 12 above.
- b The Council shall engage and be cognisant of the advice of its External HR Advisors.
- c Subject to the Council's policy regarding absences from work, the town clerk shall notify the chairman of the staffing committee or, if he is not available, the vice-chairman of the committee of significant absence occasioned by illness or other reason and shall report such absence to the staffing committee at its next meeting.
- d The Town Clerks terms and conditions shall be regularly reviewed by the Council's External HR Advisors.
- e The Chairman and the Vice-Chairman of the Staffing Committee shall conduct annual appraisal of the work of the town clerk. The Town Clerk shall conduct annual appraisal of the work of the Administrative Officer, Finance Officer, Town Manager, Grounds and Facilities Manager, Cultural Services Director being the posts comprising the council's management team. The management team shall conduct annual appraisal of the work of those members of staff subordinate to them.
- f Subject to the Council's policy regarding the handling of grievance matters, the town clerk shall contact the chairman of the staffing committee or in his absence, the vice-chairman of the staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the staffing committee
- g Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the chairman or vice-chairman of the staffing committee, this shall be communicated to another member of the staffing committee or the town mayor, which shall be reported back and progressed by resolution of the staffing committee.
- h Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- i The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- j Only persons with line management responsibilities shall have access to staff records referred to in standing orders 20(f) and (g) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20(f) and (g) above shall be provided only to the Town Clerk and Chairman of the Staffing Committee on request of the town clerk

## 21. Requests for information

- a Requests for information held by the council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Finance and General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **22. Relations with the press/media**

- 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 16(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 23(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of a witness.

## **24. Communicating with unitary councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Falmouth electoral division councillors of the Cornwall Council
- b Unless the council determines otherwise, a copy of relevant correspondence sent to the Cornwall Council shall be sent to the Falmouth electoral division Cornwall Councillor representing the area.
- c At the Chairman's discretion and with the approval of the Council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

## **25. Restrictions on councillor activities**

- a. Unless authorised by a 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.
  - iii. incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.

## **26. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## ***APPENDICES***

*1 – Standing Orders Town Meetings*

*2 - Code of Conduct*

*3 – Complaints Procedure*

*4 – Financial Regulations*

*5 – Media Policy*

*6 – Speaking Protocols*

*7 – Committee Structure*

*8 – Committee Terms of Reference*



## APPENDIX I

### STANDING ORDERS FOR TOWN MEETINGS OF THE ELECTORS OF FALMOUTH

1. *The Annual Town Meeting of the electors of the Town of Falmouth shall be held in the Council Chamber, Municipal Buildings, The Moor, Falmouth, on such day in the month of April, as the Council may determine, commencing at precisely seven o'clock in the evening. If, in the event of an emergency or extensive repairs being carried out, a suitable location to be agreed.*  
  
*Other Town Meetings called under Section 15 of Local Government Act 1972 shall be held in the Council Chamber, as and when required and shall commence at precisely seven o'clock in the evening.*
2. *In the absence of the Mayor and the Deputy Mayor from a Town Meeting, the meeting shall appoint such other person as it thinks fit, to act as Chairman before it proceeds to any other business.*
3. *The Town Clerk shall ensure that proceedings of Town Meetings, are recorded.*
4. *As soon as the Chair has been filled, the Minutes of the previous Town Meeting shall be submitted for approval as a correct record, and subject to such approval shall be signed by the Mayor or person presiding at the Meeting.*
5. *The business to be transacted at the Annual Town Meeting shall be as follows:*
  - (a) *To appoint a Chairman if the Mayor and Deputy Mayor are absent from the Meeting.*
  - (b) *To read and approve as a correct record the Minutes of the previous Town Meeting.*
  - (c) *To receive any reports prepared by the Town Clerk.*
  - (d) *To receive reports on Items of Community Interest.*
  - (e) *To receive reports regarding the activities of Cornwall Councillors.*
  - (f) *To receive reports from Council representatives on outside bodies*
  - (g) *To consider items raised by electors of which written notice has been given to the Town Clerk.*
  - (h) *To consider such business as may be raised by electors present at the meeting, at the discretion of the Mayor or person presiding at the Meeting.*
6. *At a Town Meeting, other than the Annual Town Meeting, after the Minutes of the previous Meeting have been signed, no other business shall be transacted other than for which the meeting is called.*
7. *At all Town Meetings, the ruling of the Mayor or person presiding at a meeting shall be final and shall not be challenged, nor shall any debate ensue upon any such ruling given by the Mayor or person presiding.*
8. *The ruling of the Mayor as to the construction or application of any of these standing Orders, or as to any proceedings of the Council shall not be challenged by individual members at any meeting of the Council, nor shall any debate ensue upon such ruling given by the Mayor.*



**2012**

**Code of Conduct**

**For**

**Falmouth Town Council**

**Approved : 1<sup>st</sup> July 2012**

**Minute: C4115**

**Reaffirmed: 19<sup>th</sup> September 2016 (C4763)**

## **Code of Conduct for Members**

### **General principles of public life**

The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members that is consistent with the following principles:

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Falmouth Town Council also expects its Members to observe the following principles:

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Whilst these overriding principles are not formally part of the Code of Conduct they underpin the purpose and provisions of the Code of Conduct and are principles in accordance with which Members should conduct themselves.

## Introduction and Interpretation

1. This Code of Conduct has been adopted by Falmouth Town Council to support its duty to promote and maintain high standards of conduct by Members of the Council as required by the Localism Act 2011.

2. In this Code:

**"Member"** includes an elected member and a co-opted member

**"Monitoring Officer"** means the Monitoring Officer of Cornwall Council. This is because the Localism Act 2011 requires the Monitoring Officer of the principal council to discharge certain ethical standards responsibilities in relation to the local councils in their area.

**"meeting"** means any meeting of the Council and any of the Council's committees, sub committees, joint committees with other authorities or other formal meetings

**"disclosable pecuniary interest"** means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member's spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest

**"non-registerable interests"** mean an interest as defined in Part 5B of this Code

**"dispensation"** means a dispensation granted by the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

**"register"** means the register of disclosable pecuniary interests maintained by the Monitoring Officer of Cornwall Council

**"sensitive interest"** means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation

**"interest"** means any disclosable pecuniary interest or any non-registerable interest where the context permits

3. This Code is arranged as follows:

|         |  |
|---------|--|
| Part 1  | Application of the Code of Conduct       |
| Part 2  | General obligations                      |
| Part 3  | Registering and declaring interests      |
| Part 4  | Sensitive interests                      |
| Part 5A | Pecuniary interests                      |
| Part 5B | Interests other than pecuniary interests |

### **Part 1 – Application of the Code of Conduct**

- 1.1 This Code applies to you as a Member of the Council.
- 1.2 This Code should be read together with the preceding general principles of public life.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 Subject to paragraphs 1.5, 1.6 and 1.7 of this Code you must comply with this Code whenever you:
  - (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
  - (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council and references to your official capacity are construed accordingly.
- 1.5 As well as having effect in relation to conduct in your official capacity, this Code also has effect where your conduct in your personal capacity constitutes a criminal offence for which you have been convicted (including an offence which you committed before you took office but for which you are convicted after that date).
- 1.6 Where you act as a representative of the Council:
  - (a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except insofar as it conflicts with any lawful obligations to which that other body may be subject.
- 1.7 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the proper officer of the Council (i.e. the Clerk to the Council).

### **Part 2 – General obligations**

- 2.1 You must treat others with respect.
- 2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 You must not bully any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

- 2.6 You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality that could be seen by the public as likely to influence your judgement in these matters.
- 2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith; and
    - (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the proper officer of the Council (i.e. the Clerk to the Council) or their nominee.
- 2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 2.11 You must not use or attempt to use your position as a member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- 2.12 You must when using the resources of the Council:
- (i) have the prior formal permission of the Council;
  - (ii) act in accordance with the reasonable requirements of the Council;
  - (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iv) have regard to any statutory or other requirements relating to local authority publicity.
- 2.13 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.

- 2.14 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the proper officer of the Council (i.e. the Clerk to the Council).
- 2.15 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

### **Part 3 – Registering and declaring interests and withdrawal from meetings**

- 3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.
- 3.2 Within 28 days of becoming a Member you must notify the Monitoring Officer of any disclosable pecuniary interest that you have at the time of giving the notification.
- 3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.1 of this Code to the extent that your disclosable pecuniary interests are not already entered on the register at the time the notification is given.
- 3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.
- 3.5 If you are present at a meeting and you are aware that you have a non-registerable interest or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:
- (i) not participate, or participate further, in any discussions of the matter at the meeting;
  - (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
  - (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.
- 3.5A Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may [with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop] address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).
- 3.6 If a disclosable pecuniary interest to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.

- 3.7 Within 28 days of becoming aware of any new disclosable pecuniary interest, or change to any disclosable pecuniary interest already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.
- 3.8 All notifications of disclosable pecuniary interests to the Monitoring Officer must be made in writing and such disclosures as are made at meetings must be confirmed in writing to the Monitoring Officer.
- 3.9 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

#### Part 4 – Sensitive Interests

- 4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests will not be included in any published version of the register.
- 4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

#### Part 5A – Disclosable Pecuniary Interests

In this Part of the Code the expressions in the middle column have the meanings attributed to them in the right hand column

|          |   |  |
|----------|---|--|
| (a)(i)   | "body in which the relevant person has a beneficial interest" | means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest  |
| (a)(ii)  | "director"  | includes a member of the committee of management of an industrial and provident society  |
| (a)(iii) | "land"  | includes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income |
| (a)(iv)  | "relevant authority"  | means the authority of which you are a member  |
| (a)(v)   | "relevant person"   | means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners                         |



|         |              |   |
|---------|--------------|---|
| (a)(vi) | "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 |
|---------|--------------|---|

The following table sets out the disclosable pecuniary interests that have been prescribed by the Secretary of State for the purposes of the Code of Conduct and the Localism Act, 2011

| Interest |   | Description   |
|----------|---|---|
| (b)(i)   | Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain   |
| (b)(ii)  | Sponsorship                                       | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards the election expenses of you. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 |
| (b)(iii) | Contracts   | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority under which goods and services are to be provided or works are to be executed and which has not been fully discharged  |
| (b)(iv)  | Land  | Any beneficial interest in land which is within the area of the relevant authority  |
| (b)(v)   | Licences  | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer   |
| (b)(vi)  | Corporate tenancies                               | Any tenancy where, to your knowledge the landlord is the relevant authority and the tenant is a body in which the relevant person has a beneficial interest   |
| (b)(vii) | Securities  | Any beneficial interest in securities of any body where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds  |

|  |  |   |
|--|--|---|
|  |  | £25,000 or one hundredth of the total of the issued share capital of that body or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class |
|--|--|---|

#### Part 5B – Non-registerable Interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

- (i) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in the parish; and
- (ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest,

save that business relating to the following functions will not give rise to non-registerable interests:

- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to members;
- any ceremonial honour given to members; and
- setting of the precept

and for the avoidance of doubt the above exceptions to the definition of non-registerable interests do not negate the requirements arising from having a disclosable pecuniary interest.



## **FALMOUTH TOWN COUNCIL**

# **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

**APPROVED : 21<sup>st</sup> May 2018**  
**MINUTE :**

1. If a complaint about procedures of administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully forthwith the complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt. The complaint to be copied to the Chairman of the Standing Committees.
2. If a complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Chairman.
3. (a) On receipt of a written complaint the Clerk or Chairman, as the case may be, shall (*except where the complaint is about his or her own actions*) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained of and giving an opportunity for comment on the manner in which it is intended to attempt to settle the complaint.  
  
(b) Where the Clerk or Chairman receives a written complaint about his or her own actions he or she shall forthwith refer the complaint to the Council.
4. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered.
6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
8. A Council shall defer dealing with any written complaint *only* if it is of opinion that issue of law or practice arise on which advice is necessary from the National Association of Local Councils or other body. The complaint shall be dealt with at the next meeting after the advice has been received.

Mark Williams FCIS FLSCC  
Town Clerk  
April 2018



# **FALMOUTH TOWN COUNCIL**

## **FINANCIAL REGULATIONS**

**APPROVED: 5<sup>th</sup> March 2018**  
**MINUTE: C 4989**

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These Financial Regulations were adopted by the Council at its Meeting held on 5<sup>th</sup> March 2018 (from a recommendation by the Finance and General Purposes Committee dated 19<sup>th</sup> February 2018)

## **1. GENERAL**

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for Councillors and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 A breach of these Regulations by an employee may entail action under the Council's Disciplinary Procedures.
- 1.7 Councillors of Council are expected to abide by the code of conduct and to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council (hereinafter referred to as the RFO) and these regulations will apply accordingly.
- 1.9 The Council also employs a financial professional, The Finance Officer, to support and enable financial reporting and compliance.
- 1.10 The RFO;
  - acts under the policy direction of the Council;

- administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the Council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - that the accounting records of the Council are up to date in accordance with proper practices;
  - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the Council.
- 1.11 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- 1.12 The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the Council; and
  - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.13 The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification and documentation of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 1.14 The Council is NOT empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - declaring eligibility for the General Power of Competence; and



- addressing recommendations in any report from the internal or external auditors, which shall be a matter for the Finance and General Purposes Committee only.

1.15 In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £10,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Staffing Committee in accordance with its terms of reference.

1.16 In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

1.17 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils – a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC)

## 2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.

2.2 On a regular basis, at least once in each quarter, and at each financial year end, at least one member other than the Chairman (the Mayor) shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO via the Finance Officer. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance and General Purposes Committee.

2.4 The RFO via the Finance Officer shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts the RFO shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.

2.5 The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purposes of the audit and shall, as directed by the Council, supply the RFO, Finance Officer, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purposes.

- 2.6 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.7 The internal auditor shall:
- be competent and independent of the financial operations of the Council;
  - report to the Finance and General Purposes Committee in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.8 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.9 For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.10 The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998 superseding legislation, and the Accounts and Audit Regulations
- 2.10 The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. Each service manager shall review forecasts of revenue and capital receipts and payments for their service. Having regard to the forecast and to committee (appendix 1 sets out the committee responsible for each service) and Council recommendations, they shall thereafter formulate and submit proposals for the following financial year to the Council in September each year including any proposals for revising the forecast. The proposals are usually formulated by the finance sub-committee.
- 3.2. The RFO via Finance Officer must each year, by no later than November, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance and General Purposes Committee and then confirmed by the Council to set its precept (see 3.4).

- 3.3. The Council shall consider annual budget proposals in relation to the Council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by December each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

#### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 4.1 Expenditure on revenue items may be incurred up to the amount shown under each approved Committee and Service schedule (appendix 1). Sub delegation by Service Heads is permitted to defray day to day small expenditure up to £20 per individual item.

- 4.2 Authorisation of payment is determined by:

- Approval by two authorised signatories for items exceeding £5,000; or
- Approval by one authorised signatory for items up to but not exceeding £5000.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.3 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee.

During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- 4.4 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.5 The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by Chairman of the Staffing Committee and the Clerk as the Proper Officer. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.6 In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.

- 4.7 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.
- 4.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.9 The RFO via the Finance Officer shall regularly provide the Council with a statement of receipts and payments to date under each heading of the budget, comparing actual expenditure to the appropriate date against that planned and shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this Purpose, "material" shall be any amount in excess of 15% of the budget.
- 4.10 Changes in earmarked reserves shall be approved by the Finance and General Purposes Committee as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO via the Finance Officer and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2 The RFO via the Finance Officer shall prepare a schedule of authorised payments forming part of the agenda for the meeting to the Finance and General Purposes Committee for approval. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3 All invoices for payment shall be examined, verified and certified by the RFO via the Finance Officer to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4 The Finance Officer shall arrange for all invoices to be examined for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Finance Officer shall take all steps to arrange for payment of all invoices submitted to be made in a timely manner and in accordance with 4.1.
- 5.5 A scheme of delegation regarding the authorisation of payments is attached at appendix 1.

In addition, the Clerk/RFO and Finance Officer shall have delegated authority to authorise the payment of items in the following circumstances:

- a) A revenue expenditure item authorised under 4.1 above and under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance and General Purposes Committee; or
  - b) fund transfers within the Council's banking arrangements.
- 5.6 For each financial year the RFO via the Finance Officer shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which the Finance and General Purposes Committee, or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of the Finance and General Purposes Committee.
- 5.7 A record of regular payments made under 5.6 above shall be drawn up and be signed by two Councillors on each and every occasion when payment is authorised – thus controlling the risk of duplicated payments being authorised and/or made.
- 5.8 In respect of grants the Finance and General Purposes Committee shall approve expenditure within any limits set by Council and in accordance with any Policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9 Councillors are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10 The Council will aim to rotate the duties of Councillors in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change by either the RFO or the Finance Officer and at least one Councillor.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1 The Council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Finance and General Purposes Committee, Council or, if so delegated, the RFO via the Finance Officer shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of the Finance and General Purposes Committee.

- 6.4 Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed in accordance with the bank mandate, in line with 4.1 above. If a Councillor who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and/or permissible to be a signatory to the transaction in question.
- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation.
- 6.6 Details of cheques or orders for payment shall be presented in a month by month format to the Finance and General Purposes Committee at the next meeting following the end of the preceding calendar month.
- 6.7 If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by at least one Councillor and any payments are reported to the Finance and General Purposes Committee as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the Council annually.
- 6.8 The Council has approved the use of Internet banking. The use of a Bankers Standing Order provided that the instructions are signed by one member and any payments are reported to the Finance and General Purposes Committee as made, shall be renewed by resolution of the Finance and General Purposes Committee annually.
- 6.9 If thought appropriate by the Council, payment for certain items may be made by BACS or similar banking method provided that the instructions for each payment are signed, or otherwise evidenced, by one authorised bank signatory and are retained. All payments made by this method are to be reported to the Finance and General Purposes Committee as made. The approval of the use of BACS or other method shall be renewed by resolution of the Finance and General Purposes Committee annually.
- 6.10 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.11 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question.
- 6.12 The Council, and any Councillors using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.13 Where Internet banking arrangements are made with any bank, the RFO and Finance Officer shall be appointed as the Service Administrators. The Bank Mandate approved by the Council shall identify the persons authorised to approve transactions on those accounts. All transaction made by this method must be witnessed and signed by the duly authorised persons and witnesses.

- 6.14 Access to any internet banking accounts will be directly through the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer use for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.15 Any Debit Card issued for use will be specifically restricted to the Clerk as the RFO and will also be restricted to a single transaction maximum value of £1,000 unless authorised by Council or Finance and General Purposes Committee in writing before any order is placed.
- 6.16 A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance and General Purposes Committee. Transactions and purchases made will be reported to the Finance and General Purposes Committee and reconciled to monthly statements by the Finance Officer, with authority for topping-up at the written discretion of the RFO.
- 6.17 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by approved and authorised employees and contractors and shall be subject to automatic payment in full at each month-end.
- 6.19 The RFO via delegated officers shall maintain varying petty cash floats depending on the cost centre involved, limits as set and amended by the Finance and General Purposes Committee, for the purposes of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment and the petty cash accounts are to be reconciled on a monthly basis.
  - a) Income received must not be paid into the petty cash floats but must be separately banked, as provided for elsewhere in these regulations.
  - b) Payments to maintain the petty cash floats shall be clearly identified on the schedule of payments presented to Council under 5.2 above.

## **7. PAYMENT OF SALARIES**

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, as recommended by the Staffing Committee.
- 7.2 All time sheets shall be certified as to accuracy by the employees and their line manager and verified by the RFO via the Finance Officer prior to authorisation of payment.
- 7.3 Travel expenses:
  - a) All employees should use Council vehicles subject to authorisation of driver whenever possible when travelling on Council business. Where this is not possible business mileage will be paid for local authorised travel (usually Cornwall and West to Mid Devon only) at the appropriate NIC agreed rate. Outside of local area in the interests of best value a

standard rate rail fare would be paid. All claims for travel and other expenses should be authorised by the relevant line manager before being submitted to the Finance Officer for RFO approval or in the case of the Town Clerk/RFO, expenses to be authorised by a Councillor.

- b) Employees of the Council and Councillors using their own vehicles for local travel must have in place the appropriate level of 'business use' insurance with the appropriate documentation provided to the RFO before travel expenses can be authorised for payment.
- 7.4 As approved by line managers, time in lieu must be taken in accordance with the Council's approved policy and subject to the operational requirements of Council business.
  - 7.5 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts. All payments to be approved by any one of the, Chairman or Chairs of the Finance and General Purposes or Staffing Committees.
  - 7.6 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Staffing Committee.
  - 7.7 The Council shall via the Finance Officer maintain records of each and every payment to employees of net salary and other payments and to the appropriate credit of the statutory and discretionary deductions. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
    - a) by any Councillor who can demonstrate a need to know;
    - b) by the internal auditor;
    - c) by the external auditor; or
    - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
  - 7.8 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
  - 7.9 An effective system of personal performance management should be maintained for the senior officers in accordance with the Council's staff Appraisal System.
  - 7.10 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
  - 7.11 The RFO is delegated to make arrangements to engage such replacement staff as to ensure that the Council's operational functions are maintained.



## **8. LOANS AND INVESTMENTS**

- 8.1 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and Purposes. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full Council.
- 8.2 Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3 Bank statements are available at all times through the Council's online banking portal and in addition the Council will maintain the monthly delivery of hard copy statements from Banks and Investment providers.
- 8.4 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.5 The Council has an Investment Strategy and Policy in accordance with relevant regulations, proper practices and guidance. This shall be reviewed by the Council at least annually.
- 8.6 All investments of money under the control of the Council shall be held either in the name of the Council or the Falmouth Art Gallery ((deposit only) (as run solely by the Council)).
- 8.7 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8 Payments in respect of short term or long term investments, including transactions between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Finance and General Purposes Committee and shall be written off in the year.

- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 A record of the origin of each receipt shall be entered on an electronic spreadsheet, cross referenced to the relevant paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO via the Finance Officer shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 93, shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10 Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).
- 9.11 All staff handling Council income must sign the Council's Information Security Policy.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1 Where possible, an official order or letter shall be issued for all works outside of recurring budgeted expenditure, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 A record of these orders shall be kept on the Council's electronic accounts system which is maintained by the Finance Officer.
- 10.3 All Councillors and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to the de minimus provision in Regulation 11 (h) below.
- 10.4 A Councillor may not issue an official order or make any contract on behalf of the Council.
- 10.5 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory

authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## 11. CONTRACTS

11.1 Any Procurement and award of contracts covered by the Public Contracts Regulations 2015 (as amended by the Procurement Regulations 2016), which have an estimated value of £25,000 or more must satisfy the requirements of the 2016 Regulations which include advertising on the Contract Finder website.

11.2 Procedures as to contracts are laid down as follows:

- a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vii) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consists of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for regular revenue expenditure falling within the Council's agreed budget relating to the specific cost centre;
  - vi. for additional audit work of the external Auditor; and
  - vii. for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- b) Where it is intended to enter into a contract exceeding £60,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms.
- c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.

- f) If less than three tenders are received for contracts above £60,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £60,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender estimate or quote who was present when the original decision making process was being undertaken.
- k) The European Union Procurement Directive or its successor in title shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016 including thresholds shall be followed.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO via the Finance Officer shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13. STORES AND EQUIPMENT**

- 13.1 The Service Manager in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The Service Managers shall be responsible for periodic annual checks of stocks and stores and inventory and report to the Finance and General Purposes Committee annually.
- 13.5 The RFO shall be responsible for carrying out an annual audit of stocks and stores for monitoring and to ensure that robust processes are in place.

## 14. ASSETS, PROPERTIES AND ESTATES

- 14.1 The RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO via the Finance Officer shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and Purposes for which held in accordance with Accounts and Audit Regulations.
- 14.2 No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible moveable property does not exceed £300, in which case the Clerk may make the decision to dispose.
- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4 No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5 Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council with a full business case.
- 14.6 The RFO via the Finance Officer shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the Finance Officer shall affect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 15.2 The Clerk shall give prompt notification to the Finance Officer of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO via the Finance Officer shall keep a record of all insurances effected by the Council and the property and risks covered thereby and review this annually.
- 15.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5 All appropriate Councillors and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Finance and General Purposes Committee.
- 15.6 Each employee is responsible for maintaining proper security at all times for all buildings, stocks, share, vehicles, furniture, equipment, cash and all property belonging to the Council under their control. Keys to safes and similar receptacles are to be carried on the person of those responsible at all times and any loss of keys must be reported to the Clerk immediately.

## **16. CHARITIES**

- 16.1 Where the Council is sole managing trustee of a charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk (as RFO and with the Finance Officer) shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council annually.
- 17.2 When considering any new activity, the Service Manager shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.
- 17.3 Each Service Manager will undertake a documented assessment of the risks and management arrangements for their service which will be updated annually.

## **18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 18.1** It shall be the duty of the Finance and General Purposes Committee to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2** The Finance and General Purposes Committee may, by resolution of the Committee duly notified prior to the relevant meeting of the Committee, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all Councillors of the Committee.



## **FALMOUTH TOWN COUNCIL**

### **MEDIA POLICY**

**APPROVED : 18<sup>TH</sup> March 2013**

**MINUTE : C2414(2)**

**REAFFIRMED AND AMENDED : 20<sup>th</sup> July 2015 (C4575)**

**and 19<sup>th</sup> September 2016 (C4763)**



Falmouth Town Council welcomes interaction with the press and media and recognises that this relationship helps to communicate to and inform residents. The Council will aim to communicate and inform in a professional manner.

The Council's approach to the media will be open, honest and with integrity. It will be proactive and endeavour to be responsive and timely.

This policy should be read in conjunction with the Members Code of Conduct and is directed by Standing Order 13.

#### Press Attendance

Under the Public Bodies and Admissions to Meetings Act 1960 the press are invited to attend all meetings of the Council and its Committees, unless there are matters to be debated that the Council recognises as exempt or confidential. The Council will apply the tests identified in Schedule 12A of the Local Government Act, 1972 (and subsequent amending legislation) to decide if matters are exempt and/or confidential. The Council will provide reasonable facilities to accommodate the press attendance at meetings and provide a notice and agenda to meetings on request.

The Press can also attend Councillor Surgeries if they wish and if acceptable to residents that attend.

#### Press Requests

All requests from the press or other media for an oral or written statement or comment from the Council shall be notified to and directed to the Town Clerk to draft a response. A draft response to be circulated electronically to all Councillors for comment. It is recognised that on occasion this will be time constrained.

If Councillors are contacted directly for comment they should liaise with the Town Clerk before comment.

If Councillors wish to write to, or contact the press, contrary to this policy, they should make it clear that they are not doing so in an official capacity and not use the title Councillor.

Councillors should not make statements expressing a contrary view to that of the Council as this may bring the Council in to disrepute.

#### Press Statements

An official Council release is made on behalf of the Council as a body. This will be prepared by Officers of the Council and issued by the Town Clerk, Town Manager, Grounds and Facilities Manager or Cultural Services Director. As appropriate it may include quotes from the Mayor or Committee Chair or other Councillors.

Press statements prepared by Committee Chairs or other Councillors must be approved by the Town Clerk, must be directed by a Council or Committee decision, must be in accordance with Council policies, must be factual, non-political and not written to cause offence. These statements to be circulated electronically to Councillors for information/comment before release.

#### Civic Matters

In regard to civic matters the Town Mayor via the Mayor's Secretary will issue press statements and create photographic opportunities without recourse to the process for press statements above.

#### Press Release Format

The Council will issue press releases carrying the Council logo and contact details for the issuing officer.

#### Political Views

Corporate press releases will not contain political views. Councillor press statements: in election years during the period from Notice of Election until the day of Election, no quotes from Members will be published.

Mark Williams FCIS FSLCC

Town Clerk



## **FALMOUTH TOWN COUNCIL**

### **SPEAKING PROTOCOLS**

**Updated:** 19<sup>th</sup> September 2016  
**Minute:** C47633

**Reaffirmed :**  
**Minute :**

## **Questions from the Public**

### **General**

Member of the public may ask questions at an ordinary meeting of the Council.

### **Order of Questions**

Questions will be asked in the order notice of them was received, except that the Town Mayor may group together similar questions.

### **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk no later than 48 hours before the day of the meeting. Each question must give the names and address of the questioner.

### **Number of Questions**

At any one meeting no person may submit more than one question and no more than one supplementary question.

### **Scope of questions**

The Town Clerk may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the Town;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

### **Record of questions**

The Town Clerk will enter each question in a file open to public inspection. Rejected questions will include reasons for rejection.

### **Asking the questions at the meeting**

The Town Mayor will invite the questioner to put the question to the Member(s) named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Town Mayor or Town Clerk to put the question on their behalf. A written reply will be given to the questioner within a reasonable period following the meeting.

### **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The

Town Mayor may reject a supplementary question on any of the grounds in Procedure Rule 'scope of questions' above.

#### **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

#### **Reference of question to a Committee**

Unless the Town Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Committee, Sub-Committee or Working Party. Once seconded, such a motion will be voted on without discussion.

### **FALMOUTH TOWN COUNCIL**

#### **PUBLIC SPEAKING AT PLANNING COMMITTEE**

Members of the public have the right to speak at meetings of the Planning Committee during the consideration of planning applications. The purpose of the right to speak is to give members of the public the opportunity to make their views known directly to the Committee. They can still write to the Council if they prefer, or in addition to speaking.

Those entitled to speak can be objectors, applicants, their agents and supporters.

Please remember the Council is a Consultee and you must ensure that you notify the Planning Authority direct if you wish to object to planning applications. You should provide them in writing within the specified time period to:

Planning – Central One  
Cornwall Council  
Pydar Street  
Truro  
TR1 1EB

Planning applications can be viewed online at [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

#### **When are meetings**

Meetings of the Planning Committee are held on a Monday at 6.00pm. A schedule can be obtained from the Council offices or viewed at [www.falmouthtowncouncil.com](http://www.falmouthtowncouncil.com). If you wish to speak you will need to contact the Council's Administrative Officer, preferably in writing or email, although a telephone call will suffice, by no later than 12 noon on the day of the meeting. The Administrative Officer will then make a list of those wishing to speak, in the order they contact the Council.

### How to find out if your application is being considered

Planning applications reported to the Committee will be included in Appendix I or Appendix II. Those included in Appendix I will be reported with a recommendation from the Chairman and are voted on en bloc. If you wish to talk to an Appendix I application you will need to speak to your local Councillor before the meeting to ensure that s/he requests to the Chairman that it is considered in Appendix II.

Planning Committee agendas are available to view at the Council Offices, online, or the public notice board at the Municipal Buildings on the Tuesday preceding Committee. Occasionally late received applications are added to the agenda on a Friday and you are advised to check on the day of the meeting for a comprehensive list of applications for consideration.

### Order of speaking

The Officer attending or Chairman will introduce the application, followed by other speakers in the following order:

- Applicant or agent
- Objectors
- Supporters
- Cornwall Councillors (not usually time constrained)
- Falmouth Town Councillors (not usually time constrained)

Members of the Committee may question each speaker to clarify points. There will then be a debate and the Council will formulate observations for submission to the Planning Authority.

### Time limit – minor applications

There is a time limit of five minutes for each group of speakers. If there is more than one interested party wishing to speak, the Council will advise them that they should co-ordinate their presentation. If they are unable to do so, the first person registering will be allotted three minutes. At the Chairman's discretion a further total of two minutes will be available to remaining speakers, if they are adding new points. It is the responsibility of speakers to co-ordinate presentations.

### Time limit – major applications

The time limits are as above. However occasionally an applicant or agent for a major development may be invited to present his proposals to the Committee, and s/he will be allowed a period of fifteen minutes with member questions thereafter.

### Can questions be asked of other speakers

You may include questions in the time allocated to you but the Committee has no powers to require other speakers to answer your questions, they may answer your questions if they choose in their allocated time but there will be no debate. Generally it is better if you seek to have questions answered outside the meeting and to state your interests / points on the basis of the information given to you.

You must not interrupt other speakers nor interrupt the Committee debate. All speakers must speak to the Chairman, respect the Chairman and respond to instructions accordingly.

The Chairman will invite speakers to speak and they will stand to address the Committee (unless infirmity prevents them).

#### Relevant Issues

Relevant issues will vary with the nature of the proposal and the site are specified within the National Planning Policy Framework and may include:

- Relevant planning issues
- Highway safety, traffic generation and parking
- Noise, disturbance and other loss of amenities
- Appearance and character of development
- Layout and density of buildings
- Impact on any historic buildings, protected nature conservation sites or trees
- Overshadowing, overlooking and loss of privacy

#### Irrelevant Issues

Again these will vary from case to case but the following are usually irrelevant:

- Private property rights (e.g. boundary or access disputes)
- Personal remarks (e.g. the applicants motives)
- Possible future developments
- Effect on property value

#### Contact the Council

For clarification on any of the above issues, the procedures, registering to speak or to check agenda you should contact the Council on telephone 01326 315559 or email [emily@falmouthtowncouncil.com](mailto:emily@falmouthtowncouncil.com).

### **FALMOUTH TOWN COUNCIL PUBLIC SPEAKING AT LICENSING COMMITTEE**

In addition to the participation of statutory organisations (such as the Police or Cornwall Council) licensing applicants and/or their agents will be invited to address the Licensing Committee in regard to the application.

Objectors to a licence application will be permitted to address their objections to the Licensing Committee when that application is being considered and at the discretion of the Chairman.

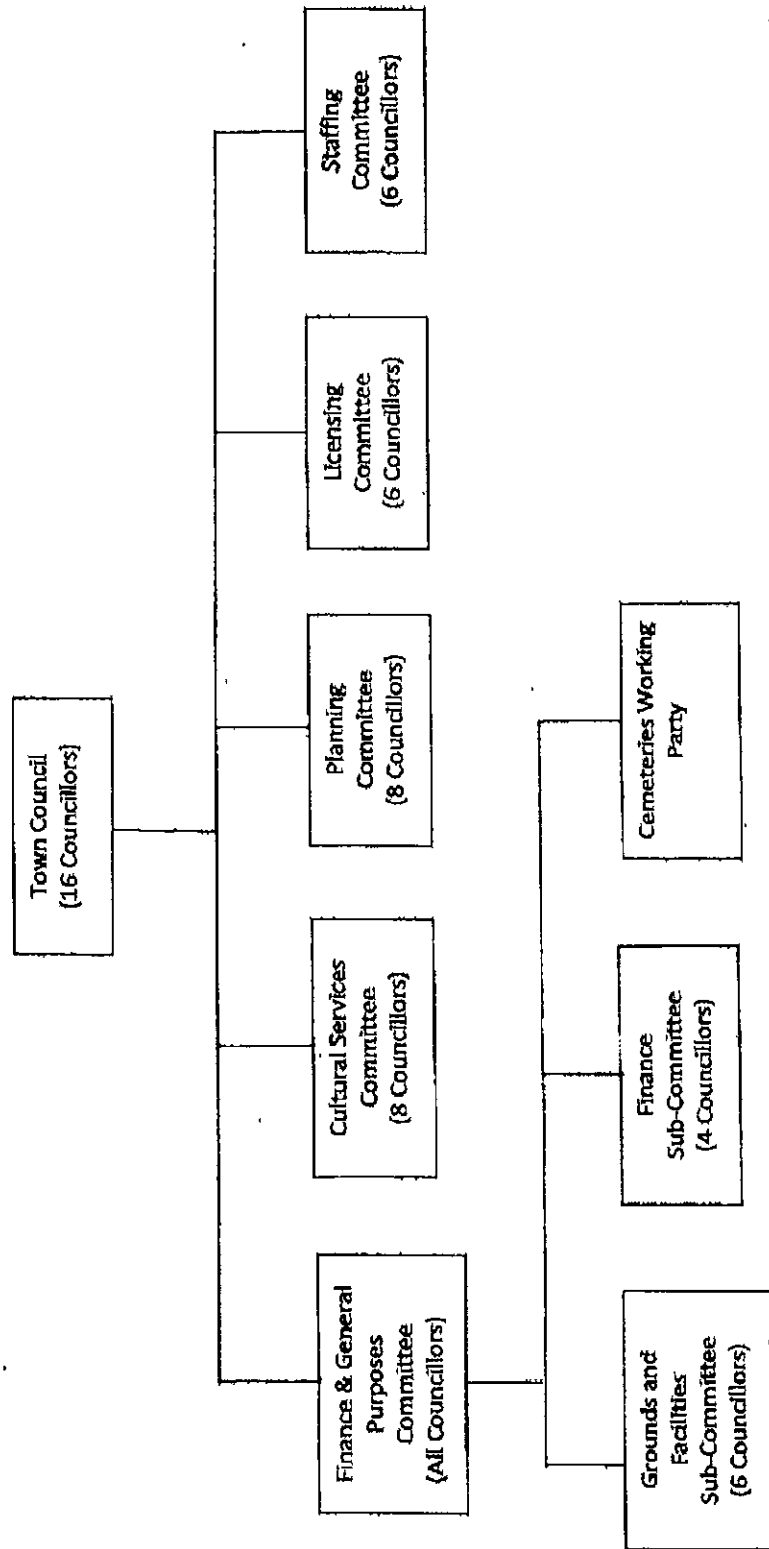
**FALMOUTH TOWN COUNCIL**  
**PUBLIC SPEAKING AT FINANCE AND GENERAL PURPOSES COMMITTEE**

Public speaking is not normally permitted. However the Committee does invite grant applicants to attend to respond to questions that may arise in the consideration of their respective grant, and at the discretion of the Chairman.





**FALMOUTH TOWN COUNCIL COMMITTEE STRUCTURE**



NB The following groups will generally report directly to the Council :

- Kimberley Park Working Party
- Trescobeeas Recreation Area Working Party
- Quality Council Working Party
- Fairtrade Working Party
- Neighbourhood Plan Steering Group

August 2016



## **FALMOUTH TOWN COUNCIL**

### **COMMITTEE TERMS OF REFERENCE – 2018/19**

Committees may exercise delegated functions on behalf of the Town Council under the following terms of reference, subject to:

- The Town Council's approved Budget and Financial Regulations
- Any previously minuted decision of the Town Council
- Any matters reserved to the Town Council by statute

Committee membership will be appointed by the Council. Normally the appointment of the Committee Chair and Vice-Chair will be delegated by the Council to the respective Committee.

### CULTURAL SERVICES

To oversee the management and delivery of Cultural Services including the management of Falmouth Art Gallery, Falmouth Library, Education provision, Youth Services and heritage.

Membership: 8  
Quorum: 3  
Meeting Frequency: quarterly  
Attending Officers: Town Clerk and Cultural Services Director

NB: Membership to a separate 8 Councillors to the Planning Committee Membership to ensure an even spread of Committee seats.

#### Terms of Reference:

1. To manage and oversee the Council's provision of Cultural Services.
2. To manage the direction of and approve the forward plan of Falmouth Art Gallery.
3. To manage the direction of and approve the forward plan of Falmouth Library working in partnership with Cornwall Council.
4. To manage the direction of, and approve the forward plan of children and young people initiatives in partnership with the Dracaena Centre.
5. Ensure the governance arrangements for the service are working in the most effective way for the Council.
6. Appraise the performance of the service on an annual basis.
7. Regular review of risk and create effective systems to manage and mitigate these risks.
8. Oversee, curate and ensure the security and development of the Town's collection.
9. To implement, monitor, review and revise policies pertaining to the operation of the Service.
10. To consider and place before the Council annual estimates of expenditure relating to matters within its responsibility.
11. Allocate and control the financial and manpower resources of the Cultural Services including an appropriate safeguarding regime.
12. Ensure all operating policies for Cultural Services and staff are appropriate, fit for purpose and regularly reviewed.
13. Ensure compliance with Museum Accreditation requirements.
14. To authorise Officers and Councillors to represent the service at meetings, events and awards ceremonies as appropriate.
15. To provide educational interpretation to the community.
16. To ensure effective marketing and fundraising for the service.
17. To effectively manage the Gallery shop.

#### **FINANCE AND GENERAL PURPOSES COMMITTEE**

Is the main policy making Committee of the Council and considers the broad social and economic needs of the community. It has overview of the Council's financial systems.

Membership: 16 (all members of the Council),  
Quorum: 6  
Meeting Frequency: 6 weekly,  
Attending Officers: Town Clerk and Finance Officer.

1. To guide the Council in the formation of objectives.
2. To identify the need for new services and facilities.
3. To be responsible for allocating and controlling the financial and manpower resources of the Council.
4. To advise the Council on the distribution of functions between Committees and Working Groups and any major policy changes in the Council's management or administrative procedures.
5. To consider the financial estimates of the Council and recommend the annual precept to be levied.
6. To be responsible for the Council's revenue and capital budget and the works scheduled therein.
7. To be responsible for the preparation and maintenance of the Council's Asset Register.
8. To be responsible for the preparation and maintenance of the Council's Risk Register.
9. To be responsible for the collection of all revenue, and raising and renewals of loans and insurance.
10. To be responsible for the banking, financial and accounting methods adopted by the Council.
11. To oversee the operation of all Council property and assets.
12. To ensure compliance with the recommendations of the Internal Auditor and the requirements of the External Auditor.
13. To authorise members attendance at conferences, courses and meetings.
14. To respond to consultative documents from Government and other bodies, other than those specifically allocated to other Committees or the Council.
15. To enter into legal proceedings on the Council's behalf.
16. To consider the delegation of services and assets to the Town Council from other authorities and partnership working arrangements.
17. To consider all community and event grant requests in accordance with the policy of the Council.

**FINANCE SUB-COMMITTEE**

Is a Sub-Committee of the Finance and General Purposes Committee and is appointed to consider matters directed to it by the parent Committee, Internal Control Systems, Draft estimates from formulation and year end formulation.

Membership: 4

Quorum: 2

Attending Officers: Town Clerk and Finance Officer

NB: Membership is the Town Mayor, Deputy Mayor and Chair and Vice-Chair of the Finance and General Purposes Committee.

**Terms of Reference:**

1. Regulate and recommend in regard to Member Internal Audit activity.
2. Formulation of draft annual estimates
3. Consider risk, insurance and other matters to formulate recommendations to the parent Committee

#### **GROUNDS AND FACILITIES SUB-COMMITTEE**

Is a Sub-Committee of the Finance and General Purposes Committee and is appointed to make recommendations in regards to the management, maintenance and improvements of the grounds and facilities on behalf of the Council.

Membership: 6  
Quorum: 3  
Attending Officers: Town Clerk and Grounds and Facilities Manager

#### **Terms of Reference:**

1. To keep under review the provision of parks and gardens, allotments and sports and recreational facilities for the residents of Falmouth including:  
Kimberley Park  
The Bowling Green Play Area  
Dracaena Recreational Site including Falmouth Skate Park  
Trescobeeas Recreational Area including Cycle Track  
Wodehouse Terrace Allotments  
Swanvale Allotments (via Allotments Association)  
Falmouth Cemetery Sites
2. To keep under review and ensure safety compliance of all Council property and Council managed property for the resident of Falmouth including:  
Municipal buildings, The Moor (including former Webber Street toilets)  
Former Post Office, The Moor  
Cemetery Lodge, Chapels and Mortuary at Falmouth Cemetery  
Kimberley Park Lodge and sheds  
Public Toilets at Kimberley Park, Prince of Wales Pier, Grove Place, Castle Beach, Gyllyngvase Beach, Swanpool Beach and Maenporth Beach  
The Moor Piazza
3. To oversee and manage grounds maintenance workforce and contractors, including cleansing and operational staff.
4. To oversee and manage the inspection and safety regime for all sites and facilities, and ensure safe working practices for the officers involved in the maintenance and cleansing of these sites and facilities.
5. To manage the use of the Council's playing fields and parks by sports clubs which shall include the grant of licences.
6. To oversee the operation of the seaweed removal protocol from the Town's beaches with Cornwall Council
7. To lead and approve tenders for all aspects of maintenance and ground works in accordance with the town Council's financial regulations.
8. To oversee the provision of town centre public realm CCTV in partnership with the West Cornwall CCTV Stakeholders Group.
9. To undertake environmental enhancements and street cleansing, including small works improvements

10. To prepare funding bids, work with funding bodies and project manage site redevelopment works.
11. To ensure the Council's vehicles and machinery are all well maintained and used safely
12. To set an annual schedule of fees and charges for the use and hire of pitches and facilities

#### LICENSING COMMITTEE

To consider the impact of licensing in Falmouth, including premises, alcohol, late night refreshment houses, public entertainment, street trading, highway licences, hackney carriage etc.

Membership: 6

Quorum: 3

Attending Officers: Town Clerk and Administrative Officer

#### Terms of Reference:

1. To consider all licensing matters and applications in Falmouth and make representations to the Licensing Authority
2. To work with the Police Licensing Officer in determining local responses on licensing applications and matters, to ensure nuisance and anti-social behaviour are not created or exacerbated by licensing applications
3. Be cognisant of local directions including the Cumulative Impact Zone
4. Invite licensing applicants, supporters and objectors to attend and/or make representations to the Committee
5. Representations at Hearings and Appeals
6. To authorise the Chair to represent the Council at Licensing Hearings and Appeals



#### **PLANNING COMMITTEE**

To consider the impact of development in Falmouth as consulted by the Planning Authority, including such matters as highways, lighting, trees, transport and enforcement.

Membership: 8  
Quorum: 3  
Meeting Frequency: 3 Weekly (Alternate Interim and Full Committee Meetings)  
Attending Officers: Town Clerk and Administrative Officer

NB: Membership to a separate 8 Councillors to the Cultural Services Committee Membership to ensure an even spread of Committee seats.

#### **Terms of Reference:**

1. To consider and respond to all planning applications notified by the Planning Authority in accordance with the Council's Policies and National and Local Planning Development Framework Guidance.
2. To consider all matters of strategic planning.
3. Representation at Inquiries and Appeals.
4. To authorise the Chair (or appointed deputy) to attend to represent the Council at relevant meetings of the Planning Authority, Inquiries and Appeals.
5. To allow the attendance and participation of public at meetings subject to the Council's Public Speaking Protocols.
6. To make recommendations in regard to street naming proposals in Falmouth.
7. To consider all matters relating to public paths, highways and traffic management including car parking.
8. To consider and notify matters of planning enforcement and breaches of planning control.
9. To consider matters relating to Tree Preservation Orders in Falmouth
10. Unless considered by the Council to respond to strategic and policy consultation by Cornwall Council in regard to planning and land use matters.

#### STAFFING COMMITTEE

Is appointed to make decisions about all staffing matters, subject to budget and expenditure limits decided by the Council.

Membership: 6  
Quorum: 3  
Attending Officers: Town Clerk

NB: Membership to include the Town Mayor, Finance and General Purposes Committee and the Cultural Services Committee Chairs.

#### Terms of Reference:

1. To establish and keep under review the staffing structure in consultation with the Finance and General Purposes Committee.
2. To implement, review, monitor and revise policies for staff.
3. To establish and review salary pay scales for all categories of staff and to be responsible for their administration and review.
4. To oversee the recruitment and appointment of staff, including agency staff where necessary.
5. To arrange execution of new employment contracts and changes to contracts (including TUPE transfers).
6. To establish and review annual appraisals and staff training programmes.
7. To oversee any process leading to dismissal of staff (including redundancy).
8. To keep under review staff working conditions, and health and safety matters.
9. To monitor and address regular or sustained staff absence.
10. To make recommendations on staffing related expenditure to the Finance and General Purposes Committee as Part of the budget setting process.
11. To consider any appeal against a decision in respect of pay or changes to terms and conditions.
12. To consider a staff grievance or disciplinary (and any appeal). The Committee to be divided in consideration of the initial matter, so that fresh eyes are retained for any subsequent appeal.
13. To supervise and performance manage the Town Clerk's work: the Chairman of the Committee to administer leave records and monitor absence.

**Falmouth Town Council  
Schedule of Meetings 2019-2020 Municipal Year**

| <u>2019</u> |                            | <u>2019</u> |                            |
|-------------|----------------------------|-------------|----------------------------|
|             | <u>May</u>                 |             | <u>December</u>            |
| 13th        | Planning                   | 2nd         | Interim Planning           |
| 20th        | Annual Council             |             | Council                    |
|             |                            | 16th        | Staffing                   |
|             |                            | 23rd        | Planning                   |
| 3rd         | Finance & General Purposes |             |                            |
|             | Special Council            |             |                            |
| 10th        | Interim Planning           |             | <u>2020</u>                |
|             | Council                    | 6th         | <u>January</u>             |
| 17th        | Staffing                   | 13th        | Cultural Services          |
|             |                            |             | Planning                   |
|             |                            |             | Finance & General Purposes |
|             | <u>July</u>                |             | <u>February</u>            |
| 1st         | Planning                   | 3rd         | Interim Planning           |
| 15th        | Finance & General Purposes |             | Council                    |
| 22nd        | Interim Planning           | 10th        | Staffing                   |
|             | Council                    | 24th        | Planning                   |
| 29th        | Cultural Services          |             | Finance & General Purposes |
|             | <u>August</u>              |             | <u>March</u>               |
| 5th         | Staffing                   | 16th        | Interim Planning           |
| 12th        | Planning                   |             | Council                    |
|             |                            | 23rd        | APM                        |
|             | <u>September</u>           |             | <u>April</u>               |
| 2nd         | Finance & General Purposes |             | Planning                   |
| 9th         | Interim Planning           | 6th         | Cultural Services          |
|             | Council                    |             | Staffing 6pm               |
| 30th        | Planning                   | 20th        | Finance & General Purposes |
|             |                            | 27th        | Interim Planning           |
| 7th         | Staffing                   |             | Council                    |
| 14th        | Finance & General Purposes |             |                            |
| 21st        | Interim Planning           |             |                            |
|             | Council                    | 11th        | <u>May</u>                 |
| 28th        | Cultural Services          | 18th        | Annual Council             |
|             |                            |             | Planning                   |
|             |                            |             | Finance & General Purposes |
|             | <u>November</u>            |             | <u>June</u>                |
| 11th        | Planning                   | 1st         | Special Council            |
| 25th        | Finance & General Purposes |             |                            |

**Note** Unless otherwise stated all meetings take place in the Council Chamber, Municipal Buildings, The Moor, Falmouth - TR11 2RT

**Planning** All planning meetings will take place at 6pm with all other meetings commencing at 7pm except where stated

**Holidays** Bank holidays in 2019 are on the 6th and 27th May, 26th August, 25th and 26th December. Bank holidays in 2020 are on the 1st January, 10th and 13th April, 4th May and 25th May.

# FALMOUTH TOWN COUNCIL



## HEALTH & SAFETY POLICY

**MAY 2019**

**Approved: 20<sup>th</sup> May 2019**

**Minute: C5195**

## **BACKGROUND**

Falmouth Town Council have the freehold on two large municipal buildings known as "The Town Hall" and "The Old Post Office" located in the centre of Falmouth. As well as two small chapels, a former mortuary and a residential lodge all based within the Council's Swanpool Cemetery on the outskirts of the town. The Council employ staff that carry out grounds maintenance and burial operations for this cemetery; also in the centre of the town is the Council managed Kimberley Park where there is a former residential lodge and a small complex of storage buildings one of which is used as a rest/office facility for the on-site operative who looks after the park, carrying out grounds maintenance activities and ensuring the byelaws are upheld.

The Town Hall is open to the public, it contains the Council Chamber and Mayor's Parlour where meetings are held as well as office accommodation from where the Town Clerk and his admin team manage the activities of the Council and it's staff, also within this building are the Town's Library and Falmouth Art Gallery.

The recently acquired Old Post Office is a large building over 4 levels, there are currently two businesses that lease the basement and ground floor; the Council will renovate the remainder of the building as accommodation for their own staff as well as further areas for venues and meetings.

The Council's Town Management function is undertaken from an office premises in the centre of the town which is leased from Cornwall Council. Town Management oversee the organization of a programme of public events within the town; for which there's requirement for both traffic and crowd management.

The Council has requested that it's staff work towards the acquisition of a number of sites from Cornwall Council and provide the management of these sites; this will cover two main areas of new responsibility for the Council which are eight public convenience blocks and areas for where grounds maintenance operations are required such as public open spaces, sports pitches and public gardens.

## **STATEMENT**

The Council recognises its responsibilities under the 1974 Health & Safety at Work Act and intends to protect from harm, its employees, members of the public, contractors/sub-contractors and anybody else who could possibly be affected by its activities or the use of its facilities by:

- Ingraining a culture of safety throughout the organisation, with zero tolerance of deliberate actions of neglect;
- Having a process in place for continuous improvement through consultation on all matters of health & safety whilst encouraging the reporting of near misses or any situation where safety could be improved;
- Regular safety inspection of facilities as well as a programme of scheduled statutory testing;
- Assessment of risk to identify hazards and introduce control measures where the risk cannot be avoided;

- Assessment of any substance to identify any potential to cause harm and put in place measures for correct storage, handling and use.
- Provision of clear understandable safe systems of work and “Safe working practices;”
- Provision of safe plant, machinery & equipment that is regularly inspected, maintained & serviced;
- Communication of the Council’s health & safety policy and all other safety documentation;
- Supervision of operations;
- The provision of support as well as both technical and awareness training wherever required;
- Having regular review of systems and requirements;
- Carrying out regular audit of operations to ensure compliance with systems;
- Provision of facilities and equipment for the welfare of its staff;
- Having systems in place to control exposure to occupational hazards such as hand arm vibration syndrome and hearing loss;
- Making staff aware of their responsibilities under the 1974 Health & Safety at Work Act.
- Ensuring the health & safety policy and related documents are central to FTC’s undertakings by being “Live,” available, succinct and clearly understandable.

## ARRANGEMENTS

The strategic management of Health & Safety will be the responsibility of the elected Councillor “Champion” this is Councillor **Marcella Morgan**.

The Town Clerk **Mark Williams** will be responsible for operational implementation of the policy and arrangements. This includes the implementation of health & safety management systems, the maintenance of emergency procedures. The Town Clerk oversees a management team with each manager responsible for the areas as set out below; the systems and documentation used to manage health & safety will be consistent across these areas.

### Management Team

- Grounds & property. Vehicles & plant. **Simon Penna, Grounds and Facilities Manager**
- Cultural Services. **Henrietta Boex, Director**
- Financial management & internal systems. **Ruth Thomas, Finance Officer**
- Events. **Richard Gates, Town Manager**

The responsibility for:

- Ingraining a culture of safety throughout the organisation, with zero tolerance of deliberate actions of neglect; lies with the **management team**.
- Having a process in place for continuous improvement through consultation on all matters of health & safety whilst encouraging the reporting of near misses or any situation where safety could be improved; lies with the **management team** and **the elected staff Safety Representative (this position is yet to be filled)**.
- Regular safety inspection of facilities as well as a programme of scheduled statutory testing; lies with **Jonathan Wilkinson, Inspection and Properties Officer**.
- Assessment of risk to identify hazards and introduce control measures where the risk cannot be avoided; lies with the **management team**.

- Assessment of any substance to identify any potential to cause harm and put in place measures for correct storage, handling and use; lies with the **management team**.
- Provision of clear understandable safe systems of work and “Safe working practices;” lies with the **management team**.
- Provision of safe plant, machinery & equipment that is regularly inspected, maintained & serviced; lies with **Simon Penna** and **Di-Mar Ltd, the Council’s Contractor**
- Communication of the Council’s health & safety policy and all other safety documentation; lies with **Mark Williams** via the **management team**.
- Supervision of operations; **Jonathan Wilkinson** and **Lee Mitchell**.
- The provision of support as well as both technical and awareness training wherever required; lies with **Mark Williams** via the **management team**.
- Having regular review of systems and requirements; lies with **Councillor Ms M Morgan, Mark Williams** and the **management team**.
- Carrying out regular audit of operations to ensure compliance with systems; lies with **Mark Williams** and **Simon Penna**.
- Provision of facilities and equipment for the welfare of its staff; lies with **Councillor Ms M Morgan, Mark Williams** and the **management team**.
- Having systems in place to control exposure to occupational hazards such as hand arm vibration syndrome and hearing loss; lies with **Simon Penna**.
- Making staff aware of their responsibilities under the 1974 Health & Safety at work act; lies with **The Council, Councillor Ms M Morgan, Mark Williams** and the **management team**.
- Ensuring the health & safety policy and related documents are central to FTC’s undertakings by being “Live,” available, succinct and clearly understandable; lies with the **Council’s Finance and General Purposes Committee**.

## REVIEW

This Policy will be reviewed by the Council annually.

Created April 2015

Reviewed May 2016

Updated May 2017

Updated April 2018

# **Risk Management Policy**



## **FALMOUTH TOWN COUNCIL**

**MAY 2019**

**Approved: 20<sup>th</sup> May 2019**

**Minute: C5196**



## **1 Introduction**

1.1 This document forms the Council's Risk Management Policy. It sets out:

- The philosophy of the Council's approach to risk management
- The Council's aims for risk management
- A summary of future monitoring and reporting lines for risk management

## **2 Aims**

2.1 Risk is defined as *'The combination of the probability of an event and its consequence. Consequences can range from positive to negative.'*

Institute of Risk Management (IRM)

2.2 The Council's aims for this Risk Management Policy are:

- To manage risk in accordance with best practice to preserve and protect the Council's assets, staff and reputation;
- To minimise loss, injury and damages and reduce cost of risks;
- To ensure appropriate actions are taken to address identified risks;
- To ensure appropriate actions are taken to identify and pursue opportunities;
- To promote good corporate governance by embedding risk management through the ownership and management of risk as part of all decision making processes; and
- To further develop risk management and raise its profile across the Council integrating risk management into the culture of the organisation.

## **3 What is the Council's Philosophy on Risk Management?**

### **3.1 Risk management Policy Statement**

Falmouth Town Council recognises that, in addition to its statutory duties, there are cogent moral and economic reasons to take all practicable and reasonable measures to safeguard people and the natural and built environments.

Whilst it is acknowledged that risk cannot be totally eliminated it is accepted that much can be done to reduce the extent of injury, damage and financial loss. Therefore, Falmouth Town Council is committed to identifying, reducing or eliminating the risks to both people and the natural and built environments.

The Council will carry insurance in such amounts and in respect of such perils as will provide protection against significant losses, where insurance is required by law or contract and in other circumstances where risks are insurable and premiums cost-effective.

The Council will seek to embed effective risk management into its culture, processes and structure to ensure that opportunities are maximised. The Council will seek to encourage managers to identify, assess and manage risks and to learn to accept the right risks.

#### **4 How will it feed into the Council's existing policies?**

- 4.1 **Recording Risk** - The Council holds a Risk Register which has been built using existing data on the functions of the Council. This document is added to as and when new risks are identified or existing risks reassessed.
- 4.2 **Identification** - Initial identification of risks will be by service managers who will annually review all of the potential risks applicable to their service area(s).
- 4.3 **Performance management and the ethos of 'Best Value'** - The Council will build risk management procedures into the way that it operates as part of a commitment to quality and continuous service improvement. As part of the performance management and service review process, Service Review Panels will assess the strategic and operational risks associated with the service under review. Recommendations for risk control will be built into future Service Review Reports.
- 4.4 **Projects and Service Changes** – service managers and project officers developing projects or recommending service changes will ensure that risks are identified and the measures to eliminate or control risks are documented and added to the Council's risk register.
- 4.5 **Partnership Working** – the Council is entering into an increasing number of partnerships with organisations from the public, private, voluntary and community sectors. Some of these organisations may not have the same sensitivities to the risks that the Council sees as important. Part of the process of setting up futures partnerships will be to ensure that all relevant risks are identified and that appropriate control mechanisms, risk management and corporate governance arrangements are built into the management arrangements for the partnership.
- 4.6 **Delivery** – the detailed framework for the delivery of this Policy is set out in the Council's Risk Management Strategy and associated procedure notes.

#### **5 Future Monitoring**

- 5.1 **Review of Risk Management Policy** – This Policy will be reviewed on a regular basis as part of the Council's continuing review of its Policy Documents, Standing Orders and Financial Regulations. Recommendations for change will be reported to the Policy Committee. The date of the next review will be January 2016.
- 5.2 **Register** – it is crucial that the information is regularly reviewed and updated. New risks will emerge and need to be controlled. Feedback from Internal and External Audit can identify areas for improvement, as can the sharing for best practice via professional bodies, including the Institute of Risk Management, the National Association of Local Councils, Society of Local Council Clerks, Institute of Local Council Management and Association of Accounting Technicians.
- 5.3 **Reporting on Progress** – An annual report will be delivered to the Finance and General Purposes Committee detailing progress on risk management over the year and containing a summary of the Risk Register.

#### **6 Conclusion**

- 6.1 The adoption of a sound risk management approach should achieve many benefits for the Council. It will assist in demonstrating that the Council is committed to continuous service improvement and demonstrating effective corporate governance.

## **7 Alternative Formats**

- 7.1 Equality Act 2010 – copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' or as a digital audio file can be made available for those with sight impairment on request from the Council Office or by telephoning 01326 315559 or email to [admin@falmouthtowncouncil.com](mailto:admin@falmouthtowncouncil.com)
- 7.2 The Council can also arrange to provide versions in other languages for Councillors/staff whose first language is not English.

## **8 Freedom of Information**

- 8.1 In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website [www.falmouthtowncouncil.com](http://www.falmouthtowncouncil.com) and copies of this document and the Risk Register will be available for inspection, on prior notice, from the Council Office.

# **FALMOUTH TOWN COUNCIL**



## **RISK ASSESSMENTS OPERATIONAL AND FINANCIAL**

**MAY 2019**

**Approved: 20<sup>th</sup> May 2019**

**Minute: C5196**

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
OPERATIONAL AND FINANCIAL**

March 2019

This Risk Assessment is support by service head assessments – Cultural Services, Grounds and Facilities and Town Management

| <b>Risk Description</b>   | <b>Current Risk Factor</b> | <b>Measures Taken</b>  | <b>Controls</b>  | <b>New Risk Factor</b> |
|---|----------------------------|--|--|------------------------|
| Damage to third party property or individuals                               | Low                        | Public Liability Insurance   | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken   | Low                    |
| Damage to public seating and risk to third party as a consequence of damage | Medium                     | Public Liability Insurance<br>Ongoing maintenance of public seats<br>Claims for costs in respect of damage pursued whenever possible   | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken<br>Regular inspections carried out by a member of the Council's maintenance team<br>Condition of public seating monitored as part of annual asset check | Low                    |
| Damage to bus shelters and risk to third party as a consequence of damage   | Medium                     | Public Liability Insurance<br>Ongoing maintenance to bus shelters<br>Council has an agreement with Fernbank Advertising regarding the checking and cleaning of shelters within the town<br>Claims for costs in respect of damage pursued whenever possible | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken<br>Regular additional inspections carried out by the Council's maintenance team<br>Condition of bus shelters monitored as part of annual asset Check    | Low                    |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
OPERATIONAL AND FINANCIAL**

March 2019

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|--|----------------------------|---|--|------------------------|
| Damage to litter bins and risk to third party as a consequence of damage   | Medium                     | Public Liability Insurance<br>Ongoing maintenance to litter bins<br>Claims for costs in respect of damage pursued whenever possible           | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken<br>Regular additional inspections carried out by the Council's maintenance team<br>Condition of litter bins monitored as part of annual asset Check | Low                    |
| Damage to fixtures and fittings of public toilets and risk to third party as a consequence of damage<br>(Public Toilets buildings leased from Cornwall Council who are responsible for damage to building) | High                       | Public Liability Insurance<br>Ongoing maintenance of fixtures and fittings<br>Claims for costs in respect of damage pursued whenever possible | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken<br>Regular additional inspections carried out by the Council's maintenance team   | Medium                 |
| Damage to play equipment and risk to third party as a consequence of damage  | High                       | Public Liability Insurance<br>Ongoing maintenance to play equipment<br>Claims for costs in respect of damage pursued whenever possible        | Annual check on level of cover in place (RFO)<br>Logged system of complaints received and action taken<br>Weekly, Quarterly and Annual Inspections of Play areas carried out by competent persons  | Medium                 |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
OPERATIONAL AND FINANCIAL**

March 2019

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| Risk Description  | Current Risk Factor | Measures Taken   | Controls  | New Risk Factor |
|---|---------------------|--|---|-----------------|
| Protection of Council properties, furniture and equipment | Medium              | <p>Insurance Cover obtained</p> <p>Up to date Asset Register</p> <p>Regular Maintenance of equipment</p> <p>Annual Portable Appliance Testing.</p> <p>Annual testing of fire alarm, emergency lighting and fire extinguishers. Annual service of gas hob and gas boiler. Five yearly fixed wire testing.</p> <p>Early warning smoke detection system installed in the municipal buildings and the old post office</p> <p>Security marking on equipment kept up to date</p> | <p>Annual check on insurance values (RFO)</p> <p>Asset Register (Year end) and annual asset check carried out.</p> <p>Use of qualified technicians</p> <p>Use of reputable insurance provider</p> | Low             |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
OPERATIONAL AND FINANCIAL**

March 2019

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|--|----------------------------|---|--|------------------------|
| Security of vulnerable building –<br>Municipal Buildings<br>Former PO Building | Medium                     | Fire alarm installed<br>Externally lit area.<br>Provision of Fire extinguishers, fire drills<br>Trained Fire Wardens<br>Secure locks and annual review of security. Record of key holders<br>CCTV Monitored location<br>External contractor emergency keyholder | Annual servicing of fire alarm by competent person<br>Fire protection equipment serviced by competent person<br>Fire Warden training regularly refreshed<br>External keyholder ensures local attendance in the event of alarm activation | Low                    |
| Protection of Civic Insignia   | High                       | Civic Insignia included on asset register<br>Appropriate insurance cover obtained   | Annual check on insurance values (RFO)<br>Mayor is aware that Civic Insignia must be kept under secure conditions  | Low                    |
| Insolvency of insurance company  | Low                        | Use of one of the largest companies providing specialist cover for Councils<br>Free legal service and advice from National Association of Local Councils and Cornwall Association of Local Councils   | Reputation within the sector monitored   | Low                    |



**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
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March 2019

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|---|----------------------------|--|---|------------------------|
| Legal liability as a consequence of asset ownership | Medium                     | Public Liability Insurance<br><br>Professional advice available if required from Councils solicitor, CALC, NALC, SLCC  | Annual check on level of cover in place (RFO)                                   | Low                    |
| Personal Accident to Members and Officers           | Medium                     | Employer's Liability cover<br><br>Lone worker alarm with fall alert available<br><br>Health & Safety Handbook provided to Officers. Staff receive relevant health & safety training. | Annual check on level of cover in place (RFO)<br><br>Regular refresher training | Low                    |
| Health of Members and Officers                      | Medium                     | Trained first aiders and first aid kits<br>Council buildings and vehicle are designated no smoking areas<br><br>Occupational Health Service available                                | Smoke detectors and early warning smoke detection installed in MB and PO        | Low                    |
| Assault to Members and Officers                     | High                       | Employer's Liability cover<br><br>Premises are secure – office door is locked with access by invitation  | Annual check on level of cover in place (RFO)                                   | Medium                 |
| Assault of third party by Members and Officers      | Low                        | Public Liability cover   | Annual check on level of cover in place (RFO)                                   | Low                    |

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March 2019

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|--|----------------------------|--|--|------------------------|
| Security of officers working alone in building   | Medium                     | Use of digital CCTV and security system in both PO building and the Municipal Buildings  | Staff meetings to review and staff appraisals<br>Regular review of the authorised users<br>Weekly alarm checks and manual check to automatic role call reports | Low                    |
| Security of officers exiting and locking up building after meetings  | Medium                     | Buildings to be locked by authorised member of the team.<br>Use of external professional contracted security personnel to provide additional cover for meetings that are out of hours  | Where possible an officer is not left alone to exit building<br>Contracted security personnel to support officers  | Low                    |
| Procedures in place for recording and monitoring members' interests, gifts and hospitality received<br><br>Completion of Code of Conduct | Low                        | Code of Conduct signed and a Register of Interest completed by each Member of the Council<br>Disclosure of interest register kept listing any interests, gifts and hospitality received<br>Disclosure of interests to appear as an item on the agenda as a prompt to members | Internal audit check<br>Register of Interest kept by the Town Clerk with a copy kept by the Cornwall Council Monitoring Officer                                | Low                    |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
OPERATIONAL AND FINANCIAL**

March 2019

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| Risk Description   | Current Risk Factor | Measures Taken  | Controls   | New Risk Factor |
|--|---------------------|---|--|-----------------|
| Loss of cash through theft or dishonesty<br><br>Cash (on premises or in transit) | High                | Fidelity Guarantee<br><br>Premises are secure – access to FTC areas restricted by means of digital key card.<br><br>Secure storage of cash<br><br>Money is regularly banked<br><br>Petty Cash is kept to a minimum<br><br>Segregation of duties between receipting, recording and banking of cash and cheques | Fidelity Insurance reviewed and increased appropriately annually (RFO)<br><br>Thorough vetting process of job applicants and annual staff reviews<br><br>Quarterly internal checks carried out by two Members of the Policy, Finance and Resources Committee | Medium          |
| Loss of Investments  | High                | Deposits spread between different providers<br><br>No stocks and shares investments   | Policy, Finance and resources Committee regularly reviews the consolidated bank reconciliation   | Medium          |

# FALMOUTH TOWN COUNCIL – RISK ASSESSMENT OPERATIONAL AND FINANCIAL

March 2019

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| Risk Description   | Current Risk Factor | Measures Taken  | Controls   | New Risk Factor |
|--|---------------------|---|--|-----------------|
| Keeping proper financial records in accordance with statutory requirements   | High                | Use of SAGE 50 accounts by competent employees only<br>Regular scrutiny of financial records and approval of pending expenditure by Members<br>Records kept in accordance with Accounts and Audit Regulations | Standing Orders and Financial regulations reviewed annually by the Policy, Finance and Resources Committee<br>Quarterly internal checks carried out by two Members of the Policy, Finance and Resources Committee<br>Annual Internal and External Audit<br>Officer and Member training | Low             |
| Ensuring all requirements met under employment law and Inland Revenue regulations and Salaries in accordance with adopted scales | Medium              | Use of Sage 50 Payroll with legislation updates for salary calculation by trained staff<br>Monthly Full Payment Submissions to Inland Revenue<br>Contracts of employment for all staff                        | Annual Staffing Review<br>Quarterly internal checks carried out by two Members of the Policy, Finance and Resources Committee<br>Annual Internal and External Audit  | Low             |
| Unfair dismissal claims  | Medium              | Grievance and Appeals procedure<br>Council contracts South West<br>Councils for advice on personnel management  | Robust policies and procedures.<br>Staff appraisal process.<br>Annual review on the level of insurance cover provided  | Low             |

# FALMOUTH TOWN COUNCIL – RISK ASSESSMENT OPERATIONAL AND FINANCIAL

March 2019

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| Risk Description  | Current Risk Factor | Measures Taken   | Controls  | New Risk Factor |
|---|---------------------|--|---|-----------------|
| Failure of Computer system<br>- Hardware<br>- Software    | Medium              | Remote server monitoring by IT company with support available if required<br>Virus protection installed on server and PC's<br>Daily backups undertaken<br>Town Clerk holds delegated powers for emergency purchasing in accordance with the Councils Standing Orders | Provision reviewed annually by RFO and insured<br>Regular replacement and upgrade to software and hardware<br>Council has engaged an external contractor who advises the Council on compliance and remotely monitors the Council's IT system – reporting any matters of concern as soon as possible on the next working day following detection | Low             |
| Banking Arrangements                                      | Medium              | All payments in line with Financial Regulations.<br>Payments are always signed off by Councillors in accordance with the Councils Financial Regulations.<br>Bank statements are reconciled weekly and balances are checked by the Finance Officer and the RFO        | Monthly internal checks carried out by two Members of the Council<br>Annual Internal and External Audit   | Low             |
| Loss of Income, or the need to provide essential services | High                | General Reserves   | Reviewed annually   | Medium          |

# FALMOUTH TOWN COUNCIL – RISK ASSESSMENT OPERATIONAL AND FINANCIAL

March 2019

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| Risk Description  | Current Risk Factor | Measures Taken  | Controls  | New Risk Factor |
|---|---------------------|---|---|-----------------|
| Ensuring all requirements are met under Customs and Excise regulations                | Medium              | Accounts software calculates VAT and produces VAT claim form  | VAT return total compared to VAT control account to ensure totals match   | Low             |
| Ensuring adequacy of annual precept within sound budgeting arrangements               | Medium              | Budgets prepared to determine amount required. Budget includes current budget and the projected position for following year based on actual costs and projected inflation.<br><br>Approval of budget by Full Council.   | Regular budget monitoring reports to Finance and General Purposes Committee   | Low             |
| Ensuring all business activities are within legal powers applicable to local councils | Medium              | All activity and payments resolved and Minutetted at Full Council or relevant Committee.<br><br>Town Clerk consults with CALC or NALC when necessary. Town Clerk consults with Council's Solicitor as appropriate.<br><br>Regular scrutiny of financial records by Councillors when undertaking the Internal Audit Checks.<br><br>Reporting of matters to the Finance and general Purposes Committee<br><br>Councillor and staff training | Standing Orders and Financial Regulations<br><br>Internal Audit<br><br>External Audit                                     | Low             |
| Complying with restrictions on borrowing  | Medium              | Borrowing approval authorised by Council in line with current restrictions  | Reference to Local Council Administration Book (Charles Arnold Baker) and National Association of Local Councils and CALC | Low             |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
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| Risk Description  | Current Risk Factor | Measures Taken  | Controls   | New Risk Factor |
|---|---------------------|---|--|-----------------|
| Ensuring proper use of funds granted to local community groups under specific powers or under 137 | Medium              | Identification of items paid under Section 137 and reported in the Annual Accounts  | Annual Independent Internal Audit  | Low             |
| Breach of Confidentiality   | High                | Registration under the Data Protection Act<br>Professional support form contracted GDPR compliance company<br>Procedures for dealing with confidential data<br>Included in Contracts of Employment<br>Where necessary confidential matters considered with Public or Press involvements<br>Passwords on computer systems stored in restricted server file | Town Clerk maintains up to date registration entry<br>Regular Members and Officer training<br>Input of Service Heads considering the data storage and protection of the information they use which is relevant to their service<br>Redaction of shared documents as necessary<br>Access to sensitive company data restricted | Medium          |
| Proper, timely and accurate reporting of Council business in minutes                              | Medium              | Minutes properly numbered with a master copy kept in safekeeping<br>Minutes circulated  | Minutes approved and signed at next meeting of Council or Committee<br>Internal Audit check  | Low             |

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|---|---------------------|---|---|-----------------|
| Failure to respond to electors wishing to exercise their rights of inspection | Medium              | <p>Minutes published on Council website and placed in library for public inspection</p> <p>Financial Information published on Website</p> <p>Advertising of end of year accounts and available for inspection to the public as required under the Accounts and Audit Regulations</p> <p>Freedom of Information Publication Scheme</p> | <p>Elector informed of Council's complaints procedure</p> <p>Council compliance with the Transparency Code – section of website set up dedicated to this matter</p> | Low             |



**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
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|--|---------------------|---|--|-----------------|
| Document control – correspondence, postage, storage and filing, etc                        | Medium              | <p>Filing systems maintained in lockable cabinets</p> <p>Record of postages maintained</p> <p>Regular review of need to retain documents and other records</p> <p>Any deeds or other legal documents stored in fire proof safe</p> <p>Computer backed up daily and back up copy kept in fire safe.</p> <p>Remote backups to cloud storage are undertaken daily.</p> | <p>Internal checks carried out by two Members of the Council</p> <p>Access to sensitive information restricted to authorised personnel only</p>  | Low             |
| Provision of amenities/facilities for occasional use by third parties and community groups | Medium              | <p>Booking Application Forms in place for use/hire of facilities by third parties and community groups</p> <p>Health and Safety Issues highlighted to hirers and contractors</p>  | <p>Use of facilities restricted to authorised end users only</p> <p>Review and management of use by Town Team – Events</p> <p>Review and management of use by Grounds and Facilities Team – parks etc.</p> | Low             |

**FALMOUTH TOWN COUNCIL – RISK ASSESSMENT  
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|---|---------------------|--|--|-----------------|
| Changes to legislation and procedures                         | Medium              | Provide effective training for Staff and Councillors<br><br>Subscribe to Society of Local Council Clerks and Cornwall Association of Local Councils<br><br>Standing Orders, policies and procedures reviewed regularly                               | Provide adequate budget for staff and Councillor training<br><br>Annual Review of Internal Controls carried out by two Members of the Finance and General Purposes Committee | Low             |
| Loss of Officers due to sudden departure or long term illness | High                | Multiple staff trained in different duties.<br><br>Production of detailed instructions for key tasks e.g. salaries, posting payments.<br><br>SLCC offer a locum Clerk in case of sudden departure or incapacity of staff members.                    | Regular appraisals<br><br>Annual staffing report presented to the Staffing Committee   | Medium          |
| Supplies and Services provided to the Council                 | High                | Contract for services advertised and awarded in line with Standing Orders and Financial Regulations<br><br>Ensure Contractors have adequate insurance and public liability cover<br><br>Ensure Contractors have appropriate Health and Safety policy | Regular contract compliance monitoring<br><br>Sight of insurance certificate before award of contract  | Medium          |

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|---|---------------------|--|---|-----------------|
| Project Management                        | Medium              | <p>Identify staff responsible for specific projects</p> <p>Enable staff to seek professional guidance from preferred contractors locally.</p> <p>Report project progress to the Finance and General Purposes Committee</p>   | Scheme of delegation in place   | Medium          |
| Breakdown/ Accidents with Council Vehicle | Medium              | <p>Annual service and MOT of vehicles.</p> <p>Vehicle routinely inspected by the authorised town maintenance team member with any faults recorded and immediately reported to the Grounds and Facilities Manager.</p> <p>Only Members and Officers of the Council with a valid driving license are permitted to drive the vehicle.</p> | A valid driving license is presented to the Town Clerk prior to a new driver using the vehicle. | Low             |

# Risk assessment

## FALMOUTH TOWN COUNCIL

This Risk Assessment has been written to support the provision of Grounds and Facilities

|  |  |                  |
|--|--|------------------|
| Signed: S.Penna  | 9.1.3.003 – Grounds and Facilities         | Date: March 2019 |
| Subject to review, monitoring and revision by: S.Penna | In the event of a service delivery failure | Every: Year      |

Organisation name: Falmouth Town Council Grounds & Facilities dept.

| Hazard and Risk          | Who might be at risk and how?             | Preventative measures   | Further measures to minimise the risk   | Risk Level  | Action by who and when?                                | Done         |
|--------------------------|---|---|---|---|--|--------------|
| Major epidemic.          | All staff, operatives & service delivery. | Inoculation   | Respond in accordance with national guidelines.   | Medium  | NHS Central government.                                | In the event |
| War.                     | All staff, operatives & service delivery. |   | Respond in accordance with national guidelines.   | High  | Central government.                                    | In the event |
| Fire in MB.              | All staff, operatives & service delivery. | Observe fire precautions. External compliance service engaged                                       | The Council & staff would need temporary premises, suspend all non-essential operations as necessary.<br>New enhanced smoke detection system is in the process of being installed | Medium to G&F delivery, but High to the operations of the council | The town Clerk & Council need to have a plan in place. | Outstanding  |
| Fuel strike or shortage. | Service delivery.                         | Limit fuel usage to essential service provision. Stockpile if possible. Reduce the need for travel. |   | Medium  | G&F Manager.   | In the event |

| Hazard and Risk                                   | Who might be at risk and how?                        | Preventative measures   | Further measures to minimise the risk  | Risk Level  | Action by who and when?                                | Done                |
|---|--|---|--|---|--|---------------------|
| Extreme weather conditions.                       | <i>All staff, operatives &amp; service delivery.</i> | Assess the safety of providing services and respond accordingly, asking staff to remain at home if necessary. |  | Medium  | G&F Manager.   | <i>In the event</i> |
| Social unrest or rioting.                         | <i>All staff, operatives &amp; service delivery.</i> | Liaise with police with regard to safe service provision.   |  | Medium  | Police & Central government.                           | <i>In the event</i> |
| Major natural disaster.                           | <i>All staff, operatives &amp; service delivery.</i> | Respond in accordance with national guidelines.   |  | Medium  | Central government.                                    | <i>In the event</i> |
| Radical political change.                         | <i>Service delivery.</i>                             | Respond in accordance with the Council's direction.   |  | Medium to G&F delivery, but High to the operations of the council | The town Clerk & Council need to have a plan in place. | Outstanding         |
| Mechanical breakdown, preventing interment.       | <i>Service delivery.</i>                             | Excavate in advance, allowing time for machinery replacement.   | FTC have accounts with several plant hire companies. Hire agreement with JBL for easier access to digger.  | Medium  | G&F Manager.   | In place            |
| Insufficient trained staff, preventing interment. | <i>Service delivery.</i>                             | 4+ Trained operatives.  | Contractor/Agency labour. Further training carried out 2018/19   | Low   | G&F Manager.   | In place            |
| Grave collapse, preventing interment..            | <i>Operatives &amp; service delivery</i>             | Use of grave shoring equipment. Check integrity of grave well in advance of funeral.                          | Substantial amount of extra shoring purchased  | Low   | G&F Manager.   | In place            |
| Grave flooding, preventing interment.             | <i>Service delivery.</i>                             | Monitor weather forecast. Pump kept at Dracaena store for the purpose.  | If necessary acquire a further pump from local hire firm. Alert funeral directors to the possibility and the likelihood of cancellation. Pump relocated to old mortuary. | Low   | G&F Manager.   | In place            |
| Major accident, preventing interment.             | <i>All staff, operatives &amp; service delivery.</i> | Follow safe systems of work at all times.   | Inform funeral directors interments suspended pending HSE investigation.   | Medium  | G&F Manager, all operatives.                           | In place            |
| Insufficient funding, preventing interment.       | <i>Service delivery.</i>                             | Burial rates reviewed with the view to being cost neutral.  | Ongoing price reviews  | Medium  | Council cemeteries committee                           | On-going            |

| <b>Hazard and Risk</b>   | <b>Who might be at risk and how?</b>  | <b>Preventative measures</b>   | <b>Further measures to minimise the risk</b> | <b>Risk Level</b> | <b>Action by who and when?</b> | <b>Done</b> |
|--|---|--------------------------------|--|-------------------|--------------------------------|-------------|
| Lack of suitably experienced staff, preventing facilities/play inspection & testing. | <i>All staff, operatives, members of the public &amp; service delivery.</i> | 3 Operatives now ROSPA Trained |  | Medium            | G&F Manager.                   | On-going    |

| <b>Hazard and Risk</b>   | <b>Who might be at risk and how?</b>  | <b>Preventative measures</b>   | <b>Further measures to minimise the risk</b>               | <b>Risk Level</b> | <b>Action by who and when?</b>                   | <b>Done</b>          |
|--|---|--|--|-------------------|--|----------------------|
| Insufficient funding for R&M, preventing facilities/play inspection & testing..                | <i>All staff, operatives, members of the public &amp; service delivery.</i> | Increase inspection/reporting regime. Decommission faulty equipment. |  | Medium            | Council F&GP Committee.<br>Council G&F Committee | On-going             |
| Insufficient staff to provide WC facilities fit for use.                                       | <i>Service delivery.</i>  | Short term use of contractors or agency staff.                       | Passmore Cleaning Services engaged to provide cover.       | Low               | G&F Manager.                                     | <i>In the event</i>  |
| Major breakdown of infrastructure such as main drains preventing the delivery of WC facilities | <i>Service delivery.</i>  | Close toilet block until infrastructure repaired.                    | In the event notify SWW or other appropriate organisation. | Medium            | Service delivery companies.                      | <i>In the event</i>  |
| Insufficient funding to provide WC facilities fit for use.                                     | <i>Service delivery.</i>  | Close WCs  | Consider community toilet scheme                           | Medium            | Council F&GP Committee.<br>G&F Manager.          | On-going             |
| Disease outbreak necessitating closure of WC facilities to prevent spreading of infection.     | <i>All staff, operatives, members of the public &amp; service delivery.</i> | Close WCs until epidemic controlled and safe to re-open WCs.         |  | Medium            | <i>NHS Central government.</i>                   | <i>In the event.</i> |
| Lack of personnel to deliver grounds   | <i>Service delivery.</i>  | Short term use of contractors or agency staff.                       |  | Medium            | Council F&GP Committee.                          | On-going             |

| Hazard and Risk   | Who might be at risk and how?   | Preventative measures                                | Further measures to minimise the risk   | Risk Level | Action by who and when?                          | Done                              |
|---|---|--|---|------------|--|-----------------------------------|
| maintenance and reactive works.   |   |  |   |            | Council G&F Committee<br>G&F Manager.            |                                   |
| Fire at the Chapel causing damage to machinery & tools preventing the delivery of grounds maintenance and reactive works. | <i>All staff, operatives &amp; service delivery.</i>                        | Some equipment kept at KP. Observe fire precautions. | In the event inform insurers. Hire equipment required for service delivery.           | Medium     | G&F Manager, all operatives.                     | In place,<br><i>In the event.</i> |
| Insufficient funds preventing the delivery of grounds maintenance and reactive works.                                     | <i>Service delivery.</i>  | Operate efficiently.                                 | In the event reduce staffing & standards until cost neutral.                          | Medium     | Council F&GP Committee.<br>Council G&F Committee | On-going.                         |
| Ban on the use of Glyphosate, preventing the delivery of street weed spraying.  | <i>Service delivery.</i>  | Keep abreast of situation and alternatives.          | Keep abreast of situation and alternatives.   | Medium     | G&F Manager.                                     | In place                          |
| Fire at Dracaena centre, preventing the delivery of sports facilities.  | <i>All staff, operatives, members of the public &amp; service delivery.</i> | Observe fire precautions.                            | In the event provide portakabin temporary changing facilities.                        | Medium     | Dracaena centre manager.<br>G&F Manager.         | <i>In the event.</i>              |
| Fire in old changing rooms, preventing the delivery of sports facilities.   | <i>All staff, operatives, members of the public &amp; service delivery.</i> | Keep secure from vandals. Observe fire precautions.  | In the event inform insurers. Items in store to be replaced asap(not that high value) | Low        | G&F Manager.                                     | In place                          |
| Lack of experienced   | <i>Service delivery.</i>  | All operatives capable of service delivery           | In the event some operatives may need some  | Low        | G&F  | In place                          |

| Hazard and Risk  | Who might be at risk and how? | Preventative measures  | Further measures to minimise the risk  | Risk Level | Action by who and when?  | Done      |
|--|-------------------------------|--|--|------------|--|-----------|
| staff, preventing the delivery of sports facilities.           |                               |  | basic instruction.   |            | Manager.   |           |
| Lack of funding, preventing the delivery of sports facilities. | Service delivery.             | Ensure realistic match fees. Maximise income by providing services for as many fixtures as possible. | In the event, reduce maintenance to essential areas and tasks. Advise service users. | Medium     | Council F&GP Committee.<br>Council G&F Committee<br>G&F Manager. | On-going. |

|                | Consequences  |       |          |        |
|----------------|---------------|-------|----------|--------|
|                | Insignificant | Minor | Moderate | Major  |
| Likelihood     |               |       |          | Severe |
| Almost certain | M             |       |          | E      |
| Likely         | M             | M     |          | E      |
| Possible       |               | M     | M        | E      |
| Unlikely       |               | M     | M        |        |
| Rare           |               |       | M        | M      |



# Risk assessment

## FALMOUTH TOWN COUNCIL

This Risk Assessment has been written to support the activities and duties undertaken by members of the Falmouth Town Management Team in their workplace and whilst working on outside events.

|   |                             |                      |                                    |
|---|-----------------------------|----------------------|------------------------------------|
| Signed: RGATES  |                             | Date: March 2019     |                                    |
| Subject to review, monitoring and revision by:<br>RICHARD GATES | 9.1.2.003 – Town Management | Every: Twelve months | or sooner if work activity changes |

Organisation name: FALMOUTH TOWN COUNCIL – TOWN MANAGEMENT TEAM Richard Gates / Ruth Abraham / Naomi Morant

| Hazard and Risk  | Who might be at risk and how?                                      | Preventative measures   | Further measures to minimise the risk                             | Risk Level<br>1 - 5 | Action by<br>who and<br>when? | Done |
|--|--|---|---|---------------------|-------------------------------|------|
| <b>OFFICE</b><br><i>Electrics - shock<br/>Use of lap tops,<br/>electrical items,</i> | ALL TEAM MEMBERS<br>Faulty equipment.                              | All equipment regularly tested and certified by a<br>P.A.T. Testing qualified / accredited electrician. | Always ensure up to date and retest / certify<br>every 12 months. | 1                   |                               |      |
| <i>Screens – eye sight<br/>damage</i>  | Continually looking at a<br>monitor.                               | Take regular breaks away from the screen.   | Regular Eye Tests   | 1                   |                               |      |
| <i>I.T. – back problems</i>  | Poor posture from being<br>seated for long periods.                | Use of appropriate seating and regular breaks.  | Ensure seating is in good order.                                  | 2                   |                               |      |
| <i>Manual Handling –<br/>injury</i>  | From moving, lifting or<br>transferring equipment and<br>sundries. | Use of correct methods and assistance from<br>colleagues.   | Ensure correctly trained.   | 2                   |                               |      |
| <i>CCTV</i>  | Confidential use of<br>Screening Footage                           | Ensure footage only viewed according to official<br>guidelines.   | Working with the Police.  | 2                   |                               |      |

| Hazard and Risk                          | Who might be at risk and how?  | Preventative measures   | Further measures to minimise the risk                              | Risk Level<br>1 - 5 | Action by who and when? | Done |
|--|--|---|--|---------------------|-------------------------|------|
| Verbal & Physical abuse                  | From members of the public   | Diplomatic approach.<br>Use of Shopwatch Radio.   | Inform Police if required / C.C.T.V.                               | 2                   |                         |      |
| <b>EVENTS</b>                            | ALL TEAM MEMBERS, VOLUNTEERS and MEMBERS OF THE PUBLIC                             |   |  |                     |                         |      |
| Verbal & Physical Abuse                  | From members of the public   | Diplomatic approach.<br>Use of Shopwatch Radio.   | Inform Police if required / C.C.T.V.                               | 1                   |                         |      |
| Defective Surfaces causing Trips & Falls | Slipping, tripping or falling from poorly maintained surfaces.                     | Regular checks and reporting defects.   |  | 1                   |                         |      |
| Contact with vehicles                    | Vehicle movement within a Road Closure   | Barriers to prevent vehicles entering area and marshals wearing high visibility clothing.                               | Purchase of plastic signs.   | 1                   |                         |      |
| Manual Handling Lifting sand bags        | Back injury from heavy bags.   | Lift in a recommended manner.   | Ensure correctly trained.  | 2                   |                         |      |
| Scuffs & cuts                            | Catching arms, hands and legs on metal road signs.                                 | Assess condition of equipment and handle accordingly.   | Maintaining / ensuring First Aid Kits are kept up to date.         | 1                   |                         |      |
| High winds                               | Equipment moving / being blown around  | Ensure equipment is secured / weighted down.  | Making firm decision from weather forecast in advance.             | 3                   |                         |      |
| Flooding                                 | Contamination from dirty water.  | Use of protective clothing.   | Thoroughly clean clothing and skin.                                | 2                   |                         |      |
| Litter – cuts / infection                | Possible cuts and infection from removing litter.                                  | Use of litter pickers and disposable gloves.  | Correct disposal of any damaged equipment.                         | 2                   |                         |      |
| <b>THE MOOR</b>                          |  |   |  |                     |                         |      |
| Market Gazebos                           | TEAM MEMBERS<br>Possible injury from faulty gazebos / not being secured correctly. | Advice given on correct method of erecting / dismantling gazebos and regular maintenance.                               | Ensure correctly trained.<br>Sufficient personnel to erect safely. | 2                   |                         |      |
| Crowd control and public movement        | Crushing from over-crowding of the area.   | Entry / egress in the area is kept unobstructed and sufficient space is provided to allow free movement of pedestrians. | Team members fully briefed of site plan and procedures.            | 2                   |                         |      |

# FALMOUTH TOWN COUNCIL

This Risk Assessment has been written to support the activities and duties undertaken by members of the Falmouth Town Council Cultural Services team in their workplaces (Art Gallery, Library, Information Service) and whilst working on outreach and outside events.

Key to risk level employed

|                | Consequences  |       |          |        |
|----------------|---------------|-------|----------|--------|
| Likelihood     | Insignificant | Minor | Moderate | Severe |
| Almost certain | M             |       |          | E      |
| Likely         | M             | M     |          | E      |
| Possible       |               | M     | M        | E      |
| Unlikely       |               | M     | M        | M      |
| Rare           |               |       | M        | M      |

# Risk assessment

|   |  |                    |
|---|--|--------------------|
| Signed: H Boex  |  | Date: January 2019 |
| Subject to review, monitoring and revision by: H Boex | In the event of a service delivery failure | Every: Year        |

Organisation name: Falmouth Town Council Cultural Services dept.

| Hazard and Risk                        | Who/what might be at risk and how?        | Preventative measures   | Further measures to minimise the risk  | Risk Level | Action by who and when?      | Done         |
|--|---|---|--|------------|------------------------------|--------------|
| External Events                        |   |   |  |            |                              |              |
| Major epidemic.                        | All staff, operatives & service delivery. | Innoculation  | Respond in accordance with national guidelines.  |            | NHS Central government.      | In the event |
| Major natural disaster.                | All staff, operatives & service delivery. | Respond in accordance with national guidelines.   |  |            | Central government.          | In the event |
| War.                                   | All staff, operatives & service delivery. | Respond in accordance with national guidelines  |  |            | Central government.          | In the event |
| Extreme weather conditions.            | All staff, operatives & service delivery. | Assess the safety of providing services and respond accordingly, asking staff to remain at home if necessary. |  | Medium     | Director CS                  | In the event |
| Social unrest or rioting.              | All staff, operatives & service delivery. | Liaise with police with regard to safe service provision.   |  | Medium     | Police & Central government. | In the event |
| Radical political change.              | Service delivery.                         | Respond in accordance with the Council's direction.   | Council need to have a plan in place.  |            | The town Clerk &             | Outstanding  |
| Loss of power<br>Loss of heating/water | All staff and customers                   | Library: Notify CC LIS team<br>Assess need to close and signpost to another branch                            | Good relationship with Western Power and other service providers<br>Knowledge of location of generator hire if necessary | Medium     | Director CS                  | In the event |

| Hazard and Risk  | Who/what might be at risk and how?  | Preventative measures  | Further measures to minimise the risk   | Risk Level | Action by who and when?   | Done         |
|--|---|--|---|------------|---|--------------|
| <b>Municipal Building, offices</b>   |   |  |   |            |   |              |
| Bomb Threat  | All staff, operatives & members of the public   | Vigilance for unattended packages and suspicious behaviour   | Ring 999, evacuate building   |            | Director CS   | In the event |
| Fire in Municipal Building   | All staff, operatives & service delivery.<br>Town Council Art Collection<br>Cornwall Council Book Stock | <p>Weekly fire drills and evacuation procedure ensures safety of personnel</p> <ul style="list-style-type: none"> <li>Employees have radio communications.</li> <li>Emergency services – fire relayed information on the traffic management plan and the event management plan</li> <li>No smoking permitted</li> <li>Emergency exits identified and kept clear.</li> <li>Fire-fighting equipment available.</li> </ul> <p>See also Emergency Plan for Art Gallery</p> | <p>Building to be rewired throughout for smoke detection and new centralised alarm panel – Work to be carried out February 2018</p> <p>CC LIS Library close branch and signpost to alternative branch</p> |            | Director CS, Collections Manager<br>Senior Librarian<br>CC LIS team | Feb 2018     |
| Electrics – shock, Use of laptops, electrical items                                | All team members<br>Faulty Equipment  | All equipment regularly tested and certified by a PAT testing qualified/accredited electrician   | Ensure up to date and retest/certify every 12 months  | Medium     | Director CS   | Dec 2018     |
| Screens – eye sight damage   | All team members<br>Continually looking at a monitor  | Take regular breaks away from the screen   | Ensure staff at risk have regular eye tests   |            | Director CS   |              |
| IT – back problems   | All team members<br>Poor posture from being seated for long periods                                     | Use of appropriate seating and regular breaks  | Ensure seating in good order  | Medium     | Director CS   |              |
| <b>Art Gallery Exhibitions Risk</b>  |   |  |   |            |   |              |
| Public Entry<br>Injury to the public through open exhibition space when installing | Employees/volunteers<br>Members of the public   | <ul style="list-style-type: none"> <li>Signs around space to warn members of public of any hazards</li> <li>Verbal direction from staff to visitors</li> <li>Objects to be placed around the edge of the rooms to prevent trip hazards</li> <li>Any tools/artworks are to be monitored at all times by at least one member of staff</li> </ul>   | No workshops or events to be scheduled during installation weeks  |            | Collections Manager or Director CS                                  |              |
| Use of scaffolding and working at height<br>- Physical injury                      | Employees/volunteers<br>Members of the public   | <ul style="list-style-type: none"> <li>Scaffolding /ladders erected properly – please see guidance notes for proper usage</li> <li>Adequate staffing for scaffolding, i.e. 2 members of staff to steer scaffolding/ladder and up to 3 people on top platform</li> </ul>  | New LED lighting tracks have reduced the use of scaffolding tower<br>Working at height training for step ladders and towers   |            | Collections Manager or Director CS                                  |              |

| Hazard and Risk                                   | Who/what might be at risk and how?   | Preventative measures  | Further measures to minimise the risk   | Risk Level | Action by who and when?            | Done |
|---|--|--|---|------------|------------------------------------|------|
|   |  | <ul style="list-style-type: none"> <li>Scaffolding ladders to be climbed up on the inside and never the outside</li> <li>Tools to be passed up to the platform after the staff member is in position</li> <li>Tools placed on platforms and not on trap doors</li> </ul>   |   |            |                                    |      |
| Movement of large structures<br>- Physical injury | Employees / volunteers   | <ul style="list-style-type: none"> <li>Movement of large structures/artworks to be scheduled in advance</li> <li>Extra staff to be scheduled in before the installation day</li> </ul>   | <ul style="list-style-type: none"> <li>Movement to be handled by experienced staff with object handling skills.</li> <li>Inspection of structure/fixings to be completed before installation.</li> <li>Heavy objects to be lifted by a team of experienced staff with a safe weight distribution guide of 7-10kg for each person</li> <li>Only staff and volunteers who have completed the in-house object handling training can lift or handle artworks</li> </ul> |            | Collections Manager or Director CS |      |
| Object handling                                   | Employees/volunteers<br>Lenders  | <ul style="list-style-type: none"> <li>Only staff and volunteers who have completed the in-house object handling training can lift or handle artworks</li> <li>Staff and volunteers to read and be aware of the Falmouth Art Gallery Art Object Handling guide (in appendix)</li> <li>All artworks to be condition checked and quarantined if necessary before handling</li> </ul> |   |            | Collections Manager or Director CS |      |
| <b>Art Gallery Collection Risk</b>                |  |  |   |            |                                    |      |
| Disposal/Sale of Art<br>Gallery Collections       | Collection's Accreditation status<br>FTC reputational risk<br>Art Collection through dispersal   | FAG abides by the Museum Association code of ethics and is strongly supported by FTC.<br>Ensure all Town Councillors are aware of the significance of the collection   | Maximising access to the collection<br>Public support and pride in the collection   |            | Director CS                        |      |
| Outdated/tired displays                           | Loss of visitors<br>Reputational risk  | Rotate exhibitions on a regular, planned basis<br>Formulate an exciting and attractive programme of exhibitions  | Keep visitors aware of the offer  |            | Director CS                        |      |
| Lack of space for stored collections              | Puts contemporary and future collecting at jeopardy<br>Bequests and gifts may have to be refused | Evaluate all new acquisitions to ensure adequate storage (and environmental conditions) available.   | Convert space in the basement of FTC Old Post Office building to accommodate collections  |            | Director CS                        |      |

| Hazard and Risk   | Who/what might be at risk and how?               | Preventative measures  | Further measures to minimise the risk   | Risk Level | Action by who and when? | Done |
|---|--|--|---|------------|-------------------------|------|
| Theft from Mezzanine Art Store  | FTC financially and reputationally               | <ul style="list-style-type: none"> <li>Volunteers/contractors/visitors should be accompanied at all time in the mezzanine floor</li> <li>CCTV running</li> </ul>   | Register of visitors – sign in plus address   |            | All staff               |      |
| Lone member of staff whilst doing art store tours – especially on Saturdays             | Employees  | <ul style="list-style-type: none"> <li>Store visits only if three staff members or volunteers in the building</li> <li>All grills to be opened before any member of the public taken to mezzanine level</li> <li>Awareness of entering any security codes in front of visitors including volunteers</li> <li>Use of radios and personal alarms</li> <li>Front desk made aware of visits</li> </ul> | Register of visitors – sign in plus address<br>Evacu-chair fitted at top of stair to library corridor                                   | Medium     | All staff               |      |
| Damage to wall works  | Condition of Collection<br>Financial implication | <ul style="list-style-type: none"> <li>Extra care to be taken when carrying large objects (and tables) through corridors or in areas where wall works are hung</li> <li>Bags, coats to be left in the Gallery Office of the Pat Webster Archive Room</li> </ul>  |   | Medium     | All staff               |      |
| Environmental monitoring system fails   | Condition of Collection<br>Financial implication | <ul style="list-style-type: none"> <li>Maintain regular checks (see Collections Management Plan)</li> <li>Contact Meaco system provider as soon as failure is identified</li> </ul>  |   |            |                         |      |
| Cultural Services (Art Gallery/Library and Youth Services) Systems, staff and generally |  |  |   |            |                         |      |
| Websites poorly maintained<br><br>Social media poorly maintained                        | FTC reputation                                   | <ul style="list-style-type: none"> <li>Appoint web champion</li> <li>Appoint social media champion</li> <li>Work with designer to refresh and enhance site</li> </ul>  | From April 2018 a new Digital engagement officer will be available to FTC vis Cornwall Museums Partnership to develop digital strategy. |            | Director CS             |      |

| Hazard and Risk                          | Who/what might be at risk and how?  | Preventative measures  | Further measures to minimise the risk  | Risk Level           | Action by who and when?               | Done |
|--|---|--|--|----------------------|---------------------------------------|------|
| Server fails                             | Data  | <ul style="list-style-type: none"> <li>Regular server back ups</li> </ul>  | From Spring 2018 all data including catalogue will be held on FTC Server in Old Post Office basement |                      | Director CS<br>Collections<br>Manager |      |
| Failure to comply with GDPR              | FTC reputationally  | <ul style="list-style-type: none"> <li>All personal information held on Excel databases to be amalgamated into one encrypted Access database</li> <li>Awareness of all guidance of GDPR as it emerges by May 25<sup>th</sup> 2018</li> </ul>   |  |                      | Director CS                           |      |
| Verbal and Physical abuse                | All staff, volunteers and members of the public<br>From members of the public | <ul style="list-style-type: none"> <li>Training undertaken by Front of House staff</li> <li>Diplomatic approach</li> <li>Use of radio</li> </ul>   | Inform police if required / CCTV   | Medium               | All staff                             |      |
| Visitors needs not understood/recognised | All staff, volunteers and members of the public                               | <ul style="list-style-type: none"> <li>Staff training – we are just people serving people</li> <li>Face to face visitor surveys and Audience Finder</li> <li>Feedback from volunteers and room invigilators</li> <li>Monitor social media for adverse comment</li> </ul>   |  | Medium (impact high) | Director CS                           |      |
| Staff succession not managed             | All employees   | <ul style="list-style-type: none"> <li>All staff have job descriptions</li> <li>Roles are regularly reviewed and staff are aware of one another's roles</li> <li>Issues raised at regular staff meetings</li> <li>Annual appraisals</li> <li>Volunteer support</li> </ul>  |  |                      | Director CS                           |      |
| Safe-guarding incident                   | All employees, volunteers members of the public                               | <ul style="list-style-type: none"> <li>Ensure all safe-guarding, vulnerable adult and children and young people policies are up to date and regularly reviewed</li> <li>Ensure all DBS checks are regularly reviewed</li> <li>Ensure all staff know what to do in the event of a safe-guarding incident</li> </ul> | Inform police / social services / CCTB   |                      | Director CS                           |      |