

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
www.kendaltowncouncil.gov.uk



28 March 2022

Dear Councillor,

You are summoned to attend a meeting of the Council commencing at **7.30pm** on **Monday, 4 April 2022**, for the purpose of transacting the business specified in the following agenda. The meeting will be held in the Town Hall, Highgate, Kendal.

Members of the Press and Public are also welcome to attend the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A B' followed by a long horizontal stroke.

Chris Bagshaw
Town Clerk

AGENDA

Roll Call

The Clerk will take a roll call of council members present.

Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so before the commencement of the meeting. Information on how to make the application is available on the Council's Website - <http://www.kendaltowncouncil.gov.uk/kendal-town-council/statutory-information/guidance-on-public-participation-at-kendal-town-council-meetings/> or by contacting the Town Clerk on 01539 793490.

After the meeting the Mayor will host informal drinks in the Parlour.

Police Report

To receive a report from Cumbria Constabulary.

1. Apologies

To receive and accept any apologies. If accepted, apologies will be considered to be for reasons approved by the Council under the terms of Local Government Act 1972, s85.

2. Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda

In accordance with the revised Code of Conduct, Members are required to declare any Disclosable Pecuniary Interests (DPIs) or Other Registrable interests (ORIs) which have not already been declared in the Council's Register of Interests. Members are reminded that it is a criminal offence not to declare a DPI, either in the Register or at the meeting. In the interests of clarity and transparency, Members may wish to declare any DPI which they have already declared in the Register, as well as any ORI.

3. Exclusion Of Press and Public (Public Bodies Admission to Meetings Act 1960)

To consider whether there are any agenda items during consideration of which the press and the public should be excluded. It is likely that this will be applied to Item 9 on the agenda, because the award process is confidential until a winner is proclaimed.

4. Minutes of Last Meeting

To receive the minutes of the meeting held on 7 March 2022 and affirm them as a true record (see attached).

5. Mayor's Communications and Announcements

To receive a report from the Mayor on his recent activities and to hear any announcements.

6. Minutes from Committees

To receive the draft minutes from the following Committees (may be received en-bloc, see attached).

- a) Planning Committee meetings on 7 and 21 March 2022
- b) Environment and Highways Committee on 14 March 2022
- c) Christmas Lights & Festivals on 31 March 2022 (if available)

7. Standing Orders

To consider a report on the amendment of the Council's Standing Orders and Code of Conduct.

8. Property Matters

To receive a briefing from the Clerk on the progress of a number of property matters concerning the Council.

a) Land at Vicarage Drive

The Council is proposing to receive a patch of land at Vicarage Drive to ensure that pathwork improvements can be carried out effectively.

b) Land at Mintsfeet

The Council is proposing to purchase an area of land at Mintsfeet to ensure connectivity in the river corridor scheme.

c) Wall at Nobles Rest/Town View Allotments

The Clerk will brief the Council on this issue as required.

d) Town Hall office accommodation

The Clerk will brief the Council on this issue as required.

9. Schedule of Payments and Budget Report

To note the schedule of payments for December 2021 and January 2022 and Budget Report.

10. Wainwright Award 2021-22

To consider entries for the Wainwright Award 2021-22. A briefing will be circulated under separate cover.

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Minutes of the Meeting of Kendal Town Council held on Monday, 07 March 2022 at 7.30pm at the Town Hall, Highgate, Kendal.

G Archibald	Present	R Hogg	Present
A Blackman	Present	H Ladhams	Present
J Brook	Present	S Long	Present
S Coleman	Present	D Miles	Present
G Cook	Present	T Perkins	Present
J Cornthwaite	Present	D Rathbone (Mayor)	Present
J Dunlop (Vice Chair)	Present	C Rowley	Present
A Edwards	Not present	M Severn	Present
S Evans	Present	K Simpson	Present
A Finch	Apologies	R Sutton	Present
P Gibson	Apologies	K Teasdale	Present
C Hardy	Not present	G Tirvengadam	Present
E Hennessy	Present	G Vincent	Present
C Hogg	Present	P Walker	Not present

In attendance: Simon Unsworth (Mayor's Attendant), Nick Taylor and Paula Scott (Kendal Futures)

A presentation was made by Kendal Community Theatre. They are proposing to hold a Christmas Carole Concert in December 2022 to involve as many members of the community as possible, and wish to work closely with Kendal Town Council in delivering this.

A presentation was made by Clean River Kent campaign. It is testing the water at various spots in the River Kent to check for human waste bacteria to try to ensure the river is clean for swimmers, fishermen and other users. They are seeking funding but have already raised some money.

No police report was available as no police representative attended.

Resolved: The Town Clerk to be asked to contact the Police and Crime Commissioner to ensure police presence and joint working going forward and to ask for a reason for no communication as to various non attendances.

57/21/22 Apologies

Apologies were received and accepted from Cllrs A Finch and P Gibson.

58/21/22 Declarations of Interest

None.

59/21/22 Exclusion of Press and Public

None.

60/21/22 Minutes of the Last Meeting

The Council received the minutes of the meeting held on 17 January 2022.

Resolved: To accept the minutes as a true record.

61/21/22 Mayor's Communications. The Mayor submitted his report of activities for the period January and February 2022.

Resolved: To note the report

62/21/22 Motion on the War in Ukraine

The Mayor introduced a motion submitted for special consideration under Standing Order 5, I, xv) relating to the current situation in Ukraine. Russia armed forces invaded the country on 24 February 2022. Support was universally expressed for Ukraine.

Resolved: To agree the motion:

In light of the current horrific war in Ukraine resulting from the invasion from Russian armed forces, Kendal Town Council:

- declares its support for Ukraine and the Ukrainian people
- declares its support for Ukrainian refugees fleeing from Russian armed forces' aggression
- condemns the Russian armed forces' invasion
- urges the UK government to admit Ukrainian refugees quickly and calls on the other tiers of local government to pass similar motions of support
- welcomes the actions by the people of Kendal who have already collected aid for refugees and Ukraine

63/21/22 Minutes from Committees

The Council considered and received the following minutes:

- a) Management Committee meetings on 7 February 2022
- b) Planning Committee meetings on 24 January, 7 & 21 February 2022
- c) Environment and Highways Committee on 24 January 2022
- d) Audits, Grants and Charities Committee 31 January 2022
- e) Christmas Lights and Festivals Committee on 14 February
- f) Mayoralty and Arts Committee on 21 February 2022
- g) Kendal in Bloom Committee meeting on 18 January 2022

Cllr Blackman corrected that the Kendal in Bloom meeting was a planning group held via Zoom, not a formal Committee meeting.

Resolved: To receive the minutes from committees with the amendment put forward by Cllr Blackman.

64/21/22 Representations on Outside Bodies.

The committee received reports from the following:

- a) Brewery Arts Trust – Councillor R Sutton
- b) Lancaster Canal Regeneration Partnership – Councillor C Rowley

Resolved: To receive the reports.

65/21/22 Notice of Motion

Council debated a motion proposed by the Mayor and seconded by Cllr Tirvengadam that Kendal officially become an anti-racism town. This would include training, education and public activities. Introducing the motion, the Mayor stated that it was twofold: to recognise the work already done for diversity in Kendal and further that work, and to start a process within the council and its activities to actively combat racism, educate to combat it and embed this in all actions of the council, so that it is not a glib motion, but affects the entirety of the Council's activities.

The motion was supported by various councillors, who included comments backing Anti-Racist Cumbria and that that this would be a good legacy for the current council to leave.

Resolved: It was resolved that the Council:

1. Recognises that Anti-racism is the active process of identifying and eliminating racism by changing systems, organisational structures, policies and practices and attitudes, so that power is redistributed and shared equitably
2. Stands together with black, Asian and all minority ethnic people in Kendal and Cumbria.
3. Works to eradicate racism, xenophobia, all religious intolerance including Islamophobia and Antisemitism and all discrimination which impacts on the entire community and blights our society.
4. Establishes further initiatives to ensure Kendal is actively inclusive and anti-racism.
5. Seeks the views of our community, on their experiences of racism and discrimination
6. Updates our Equalities Policy and produce a plan, addressing matters identified by these reviews and consultations.
7. Invites appropriate speakers on these issues to deliver training which will be mandatory for staff and expected for all councillors.

The council is committed to implementing this, and working with black, Asian and minority ethnic members of our communities, will begin to develop an action plan, reporting back to the full council on a regular basis. The Council acknowledges the work of AWAZ Cumbria the lead organisation for the Kendal Unity Festival since 2018, SLEDP, and Anti-Racist Cumbria, a leading group in this field.

66/21/22 Presentation from Kendal Futures

The Council received a presentation from Kendal Futures on the Kendal Vision.

Kendal Futures is the body tasked with implementing the aims set out in the Kendal Vision plan. It is led by a Vision Delivery Group, and has four working groups:

- Placemaking and Environment;
- Transport and Getting around;
- Housing;
- Arts and Culture

The organisation encourages and is actively seeking involvement from a wide range of people to ensure it is accessing as a wide a range of skills, experience and knowledge, and it is accessible via a website and its website.

Comments were made about the importance of sport to the people of Kendal and including it in the plans, of improving the appearance of Kendal train station so that people see Kendal

as a place to visit rather than travel through, of including health partners in the meetings and the possibility of revising and updating the Kendal Heritage Guides.

Members were encouraged by the Chair to contact Kendal Futures for further information and involvement.

67/21/22 Schedule of Payments and Budget Report

The Council received the Schedule of Payments and Budget report.

Resolved: To note the report.

The meeting closed at 9.00pm

No	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	SL/2022/0115	20 Kirkland Change of use of ground floor from dog grooming business (Use class Sui generis) & residential (Use class C3) to commercial, business and service use (Use class E)	7 March (extension requested)	No Material Objection provided due note is made of neighbour comments at 1 Yard, 18 Kirkland with regard to disturbance.
2	SL/2022/0128	Former Safehands Nursery, Captain French Lane Conversion & adaptation of units 3 & 5 to create a single dwelling as approved as under planning permission SL/2020/0648	7 March (extension requested)	No Material Objection
3	SL/2022/0133	2 Romney Villas Single storey rear extension	15 March	No Material Objection
4	SL/2022/0136	10 Castle Grove Raise roof height of outbuilding to 2.6 meters	15 March	No Material Objection provided Development Control are satisfied by the level of information provided because it is difficult for this committee to make any positive comment regarding this application given the rather approximate nature of the figures supplied.
5	SL/2022/0137	8 Silver Howe Close Demolition of existing garage & porch and erection of single storey side extension, front porch & alterations to drive (Resubmission of SL/2021/0415)	15 March	No Material Objection but to approve this application net biodiversity offered needs to be increased to actually be a genuine 'net gain' rather than merely be 'different'.
6	SL/2022/0157	30 Copperfield Lane	17 March	No formal objection but the committee did note the size of build in relation to the neighbouring

		Two storey side extension and single storey rear and side extension		houses' visual amenity. This application is taking up a large amount of garden and requires significant net biodiversity gain, which should not just be a bird box but requires additional planting.
7	SL/2021/0495	Queen Katherine School, Appleby Road, Extension of Sandgate SEN school comprising of new educational classrooms, multi-purpose hall with pupil facilities, teaching facilities and external works	18 March	No Material Objections. However, the committee supports the letters from Friends of the Lake District regarding light and Kendal Swifts. The impact of increased traffic and evening activities on residents should be seriously addressed in any decision.
8	SL/2021/1201	7 Oak Tree Road Roof, rear & side extensions	18 March	<u>Material Objection – Recommend Refusal.</u> Based on the scale and dominance of the proposed alterations and extension and the committee support the comments from 52 Sedbergh Rd. It is felt to be detrimental to the character and appearance of the area to an undue degree. In addition no serious effort has been made to make any net biodiversity gain on such a large development on this site.
9	SL/2022/0161	7 Kentwood Road Garage/workshop extension on the side of the property	18 March	No Material Objections
10	SL/2022/0166	43 Bellingham Road Single storey rear extension & rear dormer window	18 March	No Material Objections. Provided the alterations are not felt to be overlooking neighbouring properties.
11	SL/2022/0167	Bankfield House, Bankfield Road Renovate, draught proof and double glaze existing sliding sash windows	21 March 2022	No Material Objections

12	SL/2022/0172	<p>2 Murley Moss</p> <p>Detached garden room with air conditioning units (Retrospective) revision to approved planning permission SL/2021/0129 (Single storey rear extension & detached garden room)</p>	18 March 2022	<p><u>Material Objection – Recommend Refusal</u></p> <p>The committee confirms its comments and concerns stated in the original permission to SL/2021/0129.</p> <p>It also supports comments from 1 Murley Moss and Buttermere Drive, which should be fully taken into account and investigated. If proven, these objections potentially include increased size out of keeping with both the area and neighbouring houses' visual amenity, inappropriate appearance and materials used. All of these seem to be in direct contravention of the original application, potentially including the resultant number of customers visiting the property as a business. The original application was questionable as discussed at length between the committee and Development Control, and the assumptions that decision was based on, from the 2021 application, seem not to have been built to plan at all.</p> <p>The committee separately and specifically, without prejudice, also objected to the application for air conditioning units. These would be noisy and spoil the neighbours' quiet enjoyment and felt to be commercial and not residential in need and form specific material objection of their own.</p> <p>Enforcement should therefore be instructed to investigate this premises with respect to all the above points and to take any necessary remedial action.</p> <p>Finally the committee was disappointed that this is a retrospective application with not even an</p>
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				attempt to justify why planning permission was not sought for this before it was built.
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Minutes of a meeting of the Planning Committee held on Monday 7 March 2022 at 6pm.

Cllr J Cornthwaite	Present	Cllr D Rathbone (Chair)	Present
Cllr P Gibson	Apologies	Cllr C Rowley	Present
Cllr H Ladhams (Vice Chair)	Present	Cllr K Teasdale	Present
Cllr D Miles	Present	Cllr G Vincent	Present

In Attendance: No officer was present due to Covid.

P137/21/22 Apologies

Apologies were received and accepted from Councillor Gibson

P138/21/22 Declarations of Interest

None

P139/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P140/21/22 Minutes of the Previous Meeting

The Committee received the minutes of the previous planning committee meeting held on 21 February 2022. It was noted that the date of the previous meeting was incorrectly recorded in the wrong month.

Resolved: To accept them as a true record, with this correction.

P141/21/22 Planning Process and Issues

A matter regarding an issue of potential encroachment was raised, discussed and referred to the Flood Group for an update at the next meeting if not resolved by that time.

P142/21/22 Net Biodiversity Gain Consultation

The Committee considered the Council's response to the Defra consultation on Net Biodiversity Gain. After a discussion of relevant points the committee agreed that the Chair, Vice Chair and Clerk would liaise to create a document, which is to include the matters raised. This is to be used in conjunction with the agenda item at Environment & Highways Committee's next meeting. This is then to come before the committee's next meeting.

Resolved: To adopt the approach outlined above.

P143/21/22 Kendal Town Council Flood Relief Scheme Working Group

The Chair of the Working Group reported that the Committee had met on 24 February to consider an urgent timetabling problem from the EA. The issue was as yet unresolved, but it did not rule out having to meet again to look at the consequential effects. It was noted that the Planning Application which included the amended glass screen had now been submitted. EA were setting out a payments schedule which would include the Town Council's contribution.

Resolved: To note the report and receive it formally at the next meeting.

P144/21/22 Planning Applications

The Committee considered the Planning Applications shown in Appendix 1.

Resolved: To submit the recommendations in Appendix 1 to the Planning Authority.

The meeting closed at 19.05

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Minutes of a meeting of the Planning Committee held on Monday 21 March 2022 at 6.30pm in the Town Hall, Kendal.

Cllr J Cornthwaite	Present	Cllr D Rathbone (Chair)	Apologies
Cllr P Gibson	Absent	Cllr C Rowley	Apologies
Cllr H Ladhams (Vice Chair)	Present	Cllr K Teasdale	Present
Cllr D Miles	Present	Cllr G Vincent	Present

In Attendance: Town Clerk

P145/21/22 Apologies

Apologies were received and accepted from Cllrs Rathbone and Rowley. The meeting was chaired by Cllr Ladhams.

P146/21/22 Declarations of Interest

Cllr Cornthwaite reminded the Committee of his chairmanship of the Flood Scheme working group in relation to the first planning application.

P147/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P148/21/22 Minutes of the Previous Meeting

The Committee received the minutes of the previous planning committee meeting held on 7 March 2022.

Resolved: To accept them as a true record.

P149/21/22 Planning Process and Issues

Concerns were raised about a possible breach of Planning laws at Beezon Fields, where a very high fence has been constructed to the rear of the industrial estate. It is understood the district council, Environment Agency, Network Rail and others are investigating.

P150/21/22 Net Biodiversity Gain Consultation

The Vice Chair confirmed that she had met with the Chair and the Clerk to complete the Council's feedback to Defra. The Clerk confirmed that the comments from E&H had been incorporated into the response. It was noted that coordinating this response was made more difficult by the inability of the Consultation website to allow a summary of responses prior to confirmation. The final feedback would be circulated to members for information, with the caveat that it had been difficult to verify without scrolling through 60 pages of feedback.

Resolved: To note this response and circulate the Council's submission.

P151/21/22 Kendal Town Council Flood Relief Scheme Working Group

The Committee received the minutes and EA report from their last meeting. The Chair of the Working Group reported that the Committee was scheduled to meet again on Wednesday evening, having also met with EA staff for a briefing on Gooseholme the previous week. No Environment Agency staff would be available for the Working Group's next meeting so it would be used as an opportunity to re-evaluate the Council's position on a number of issues. A summary sheet of the latest developments had been produced for the general public. It was noted that the tree-felling which had taken place in the last week or so was sufficient to allow the EA to carry out sufficient in-river work this summer, without further felling at this stage..

Resolved: To note the report.

P152/21/22 Planning Applications

The Committee considered the Planning Applications shown in Appendix 1.

Resolved: To submit the recommendations in Appendix 1 to the Planning Authority.

The meeting closed at 19.22.

Kendal Town Council

Applications for Planning Committee: 21 March 2022

Appendix 1

No	App No/Type	Address/Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2022/0163	Waterside and Aynam Road Erection of flood defences along Waterside and Aynam Road. Amendments to Reaches G1, G2, G3 and H1 of the Kendal Flood Risk Management Scheme approved under reference SL/2018/0925.	31 March 2022	<u>No material objections.</u> The Committee welcomed the progress and commended the new design for the glass panels.
2	SL/2022/0178	28 Larch Grove Single storey front extension	23 March 2022	<u>No material objections</u> It was noted that although the two applications (0178 and 0179) were adjacent, there was little presented to enable one to be compared with the other. There was no mention of biodiversity net gain.
3	SL/2022/0179	30 Larch Grove Single storey front extension	23 March 2022	<u>No material objections</u> It was noted that although the two applications (0178 and 0179) were adjacent, there was little presented to enable one to be compared with the other. There was no mention of biodiversity net gain.
4	SL/2022/0176	Brewery Arts Centre, 118-120 Highgate Replacement illuminated digital screen display hoarding	28 March 2022	<u>No material objections</u>
5	SL/2022/0186	26 Strickland Court, Windermere Road	28 March 2022	<u>No material objections</u>

		Replacement UPVC windows and doors		
6	SL/2022/0191	14 Back Lane Erection of a front boundary wall (Retrospective)	29 March 2022	<u>No material objections</u> The Committee reiterated its disappointment to be looking at a retrospective application and urges the Planning Authority to do more to publicise the need for Planning Applications in a variety of situations.
7	SL/2022/0177	16 Stonecross Road Demolition of single storey garage & erection of a 2-storey side extension	30 March 2022	<u>No material objections</u> The Committee supported the comments of the Kendal Swifts group, but also noted that the simple inclusion of a birdbox does not in itself constitute a sufficient amount of biodiversity net gain.
8	SL/2022/0202	48 Natland Road (note property is incorrectly addressed on application) Two storey side & single storey rear extensions.	31 March 2022	<u>No material objections</u> The Committee supported the comments of the Kendal Swifts group, but also noted that the simple inclusion of a birdbox does not in itself constitute a sufficient amount of biodiversity net gain.
9	SL/2022/0108	6 Cliff Terrace Replacement windows & roof lights, new rear roof light & alterations to kitchen window & back door openings	4 April 2022	<u>No material objections</u>
10	SL/2022/0217	Netherfield Sports And Social Club, Parkside Road Raised decked area on existing patio enabling better disabled access to the Sports and Social Club	4 April 2022	<u>No material objections</u> The Committee found it difficult to interpret the drawings supplied in the context of the existing facilities. It was not obvious how the ramp fitted in with the current access.

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Minutes of the meeting of the Environment and Highways Committee held on Monday, 14th March 2022 at 7.30pm at Kendal Town Hall.

Cllr G Archibald (Vice Chair)	Present	Cllr S Evans	Present
Cllr J Cornthwaite	Present	Cllr S Long	Present
Cllr J Dunlop	Present	Cllr K Simpson	Present
Cllr E Hennessy (Chair)	Present	Cllr C Rowley	Present

In attendance: Kendal Town Council Project Manager (Helen Moriarty), Graham Vincent (Green Party)

E42/21/22 Apologies

No apologies were received

E43/21/22 Declarations of Interest

None

E44/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

None

E45/21/22 Minutes of the Previous Meeting

The Council received the minutes of the Committee meeting held on 24th January 2022.

Resolved: Minutes were accepted

E46/21/22 E & H Budget and current spend to date

The Committee considered various spend requests from the Project Manager

Resolved:

- To spend the remaining £425 SLDC Climate Change Grant and £495 of the 22/23 Solar budget on the £920 Solar Audit and website hosting fee invoice.
- To spend the remaining Somervell Wildflower funding on top soil and equipment to complete the project.
- To approve £500 grant application from Clean River Kent group from the 22/23 Biodiversity Grant budget.
- To spend £1500 from the Kirkbarrow Connections 22/23 budget to fund the legal adoption of the Vicarage Drive footpaths.
- To spend £180 on Woolpack Yard soil and fittings to complement SLDC Welcome Back Funding for x6 new trees utilising current new infrastructure budget.

- To expect infrastructure maintenance budget to be spent via SLDC signage project and outstanding tasks reserved for new Project Officer.
- To change 'Flood management' to River Connectivity and confirm available budget via the Clerk.

E47/21/22 Working Group Updates

The Committee received updates from Councillor representatives of the following working groups:

a) 20mph

Councillor Hennessy provided an overview of Cumbria County Council's (CCC) current position and suggested that there are some differences of opinion as to how best to approach a potential scheme. A minute of the County Council's Travel Sub Group was referenced which included a 10% consultation requirement, consultation with surrounding villages and three costed options. Each of these points need clarification via the working group.

Kendal Futures have offered support for consultation and Councillors confirmed that support for 20mph has been strong during door knocking campaigns.

Councillor Vincent referenced an email that implied Kendal Town Council would be responsible for sourcing the funding to implement a 20mph scheme. He expressed his disappointment considering the request for 20mph has been ongoing since 2012.

There was concern that Local Government Reorganisation might delay action but this position was challenged when it was highlighted that CCC have been responsive and will be voting on progressing options on the 21st of March.

Councillor Hennessy ended the discussion by reconfirming that 20mph has been proven to save lives and reduce emissions. Both the UN and World Health Organisation have stated that local government have a duty to implement to protect residents and following the national 20's plenty campaign the advice is to continue requesting positive change.

Resolved: To submit a statement to be read at the Local Committee meeting. To proceed with the 20mph working group following Local Committee decision.

b) Natural Kendal

Councillor Hennessy explained that the Natural Kendal group met on the 26th of January and received the baseline research funded by Kendal Town Council. It was confirmed the final report will be made available to Committee members in due course. The research will highlight potential projects to increase biodiversity across the town. The group recognised that it needs to resolve its status and a draft Terms of Reference will be considered on the 24th of March.

Resolved: To share report, propose projects and constitute group.

c) Solar Audit

Councillor Hennessy noted the Solar Audit report and Councillors confirmed support for the project to develop following a discussion regarding resources. Councillor Long will be meeting with South Lakeland Housing to discuss progress and perceived barriers to inform

development. It was noted that the 22/23 budget allocation is likely to be utilised for promotion once the preferred route is agreed by the working group.

Resolved: Add timescales to proposed next steps, convene next working group via Doodle poll.

d) Dark Skies

Councillor Hennessy noted the report and that the star gazing idea to link to Torchlight festival was no longer viable. The successful Ambleside Switch off event was noted and Councillor considered replicating in Kendal.

Resolved: Confirm Ambleside approach via Jack Ellerby and share information.

e) LCWIP and Active Travel Group

Councillor Rowley shared that the group was formed by former Councillor Jon Owen and required an appropriate Terms of Reference. A range of expertise are present in the group including experience from Manchester and London and local cycling club and businesses.

Resolved: Share terms of reference template, potentially from Flood Relief Group.

Councillor Rowley continued to provide an overview of local resident's Karen Gee's report regarding the LCWIP process which highlighted several frustrations including;

- Absence of routes to connect Hallgarth
- Absence of clear routes to schools and Kendal College
- Car dominance isn't strongly challenged, instead suggested improvements focus on cyclists using minor roads and indirect routes
- Concerns that development is linked to the Kendal Northern Access Route which could delay interventions which are required now
- 20mph isn't mentioned in the document as a potential to increase active travel despite its inclusion in National Government evidence.
- Ambitious and necessary routes aren't included such as creating a dedicated cycle lane on Highgate and visible mainstream routes to shift the 60% of residents who drive less than 2 miles towards cycling and walking.

Councillors were reassured that the live document will come to the Committee for acceptance and comments in May, It was noted that acceptance of the LCWIP could endorse the KNAR and this link would need to be clarified in advance.

Councillors questioned how the connection to KNAR was made and how Kendal Town Council could constructively support the LCWIP process. It was noted that concerns had been repeatedly raised at all working group meetings. It was noted that LWIP's endorsement by Local Committee before the Town Council is problematic if changes are required. It was resolved to write to Local Committee in advance

Councillors expressed disappointment in the lack of urgency and timelines and noted the Kendal Futures Transport Group together with the Committee and Active Travel group can combine to add weight to required improvements.

Councillor Dunlop reassured Councillors that the KNAR Reference Group were including cycling and walking in their options appraisal and were currently assessing evidence to make a business case. Currently a route development report is in development together with landowner conversations. A public consultation will follow in September and a preferred option will be agreed by October.

Resolved: Circulate Karen's report with Councillors

Resolved: Create LCWIP dedicated meeting in May

Resolved: Contact CCC Local Committee re LCWIP concerns to create constructive changes prior to CCC adoption.

Resolved: To add the Kendal Northern Access Route Reference Group and Flood Relief Working Group to the working group updates for the next committee meeting.

E48/21/22 Project Update Report

Councillors received the Project Update Report.

The Pumptrack was discussed with regard to a quote for visual designs to help persuade the new Shadow Authority to develop a Pumptrack. Councillors discussed the pros and cons of receiving a 'planning ready' design versus a visual aid which would need further development. The likelihood of receiving permission and funding from the New Authority was also discussed and it was acknowledged that it was currently difficult to move anything forward at pace due to LGR.

Resolved: Project Manager to confirm if it's possible to spend £2,000 initially on a visual design which could be enhanced to a planning permission document at a later date for a further £2000.

Resolved: Project Manager to get additional quotes.

The Gooseholme actions were endorsed and it was noted that it was an example of an area of Kendal where multiple agencies have an interest and desire to improve. It was suggested that the Kendal Flood Relief Working Group include Gooseholme improvements as part of their remit. The Chair of the Flood Group reiterated the purpose of the group and welcomed the suggestion.

Resolved: That the Gooseholme actions are incorporated in the Flood Relief group and that the membership of that group is extended to Kendal Futures and others.

Resolved: Project Manager to share Gooseholme actions and contacts as appropriate.

The Project Manager highlighted a new request from Councillor Archibald to improve decaying railings at Undercliff towards the Golf Club.

Resolved: That the Project Manager to add railings at Undercliff to Project Officer action list.

The Project Manager highlighted improvements at Somervell Garden. Preparation work is underway and the Wildflower Turf will be delivered and installed on the 23rd of March.

E49/21/22 Improving Kendal's Footpaths

The footpath improvement work was noted and discussed. It was agreed the routes to school are essential and contributors to the initial audit were thanked.

Resolved: To continue to use Officer led approach rather than a consultant commission to gather condition reports at this stage.

E50/21/22 Climate Change Hub

Councillors endorsed the report received from Waste into Wellbeing which highlighted how its hub development progress complements and meets two key recommendations of the Kendal Climate Change Citizens Jury. It was noted that whilst the hub is in development the Solar Made Easy Kendal programme and recommendations in general can link to pop up opportunities.

Resolved: To amend the agreed budget contribution to specify support for Waste into Wellbeing hub plans.

Resolved: To join pop up events to promote recommendation progress and strengthen partnership approach towards Climate Change hub.

E50/21/22 Biodiversity

a) DEFRA Biodiversity Response

Councillors confirmed the Chair and Vice Chair of Planning are leading Kendal Town Council's response. Councillors agreed it was a good idea to have net gain but the detail showed that small and self-build developments were excluded when they are well placed to make simple measures to improve biodiversity. It was noted that all developments contribute to habitat loss by changing land use, affecting air quality, exploitation, invasive species and climate change. Councillors agreed sewage impacts needed to be included considering in 2020 there were 400,000 sewage spills with only 16 prosecutions. The proposal that developers can buy biodiversity units from elsewhere was questioned and it was suggested take up would be more effective if local and voluntary. Solar lighting was also highlighted a biodiversity gain.

Resolved: That the Project Manager share the above with planning and arrange for the final planning response to be shared with Committee members.

b) Biodiversity Policy

Councillors noted it was an improved and strong starting point and requested the following additions:

- Add a bolder, stronger opening paragraph regarding the seriousness of the situation
- Regarding pollution, add that the planning committee take constructions and waterways impact into consideration and encourage green rather than tarmac drives.
- Strengthen words and targets, state that it's a live document to be amended year on year
- Add a tree target, 500 to source and redistribute
- Replace the number of grants with 'to be based on Natural Kendal's baseline report'
- Include water courses impact regarding emissions
- Reference green spaces, blue spaces and dark skies
- State what we want to encourage not what we want to stop
- State annual report requirement regarding biodiversity gains
- Natural pesticides for allotments

Councillors agreed the Unitary process represents an opportunity for the Town Council to be bolder with Biodiversity ambitions and influence Westmorland and Furness Council accordingly.

Resolved: To redraft the Biodiversity Policy according to Councillor feedback and share for further comment and input.

The Chair thanked Councillors for their commitment to the Committee and shared best wishes for all regarding success in the forthcoming elections.

The meeting closed at 21.45pm

The next Committee meeting will be the 13th of June 2022.

Kendal Town Council Report

To: Full Council	4 April 2022
From: Town Clerk	Agenda Item XX

Standing Orders and Code of Conduct

Following a review of the Council's Standing Orders by the Audit, Grants and Charities Committee in 2021, it was recommended that the Council adopts the latest available model Standing Orders. The Council's existing Standing Orders were adopted in 2016, since when there have been a number of changes to the model Orders published by NALC. The 2016 orders contain a number of anomalies, which would be cleared up by adoption of the Model orders.

Code of Conduct

The review of Standing Orders coincided with a review by the county's seven Monitoring Officers of the recommended Code of Conduct for Councillors. This followed a series of recommendations from the Committee for Standards in Public Life about the language and effectiveness of the Code of Conduct, which was first introduced in its present form by the Localism Act, 2011. The Localism Act specifies that the precise wording of a Council's Code of Conduct is a matter for the Council to agree. However, the consideration of whether a Councillor's behaviour contravenes the Council's Code is a matter for the appropriate Monitoring Officer at the local District Council. In theory there is the possibility for Cumbria to have over 200 differing iterations of the code – one for every parish, district and county council. This has been identified as one of the reasons why district standards regimes have struggled at times to deliver timely judgments on complaints about a Councillor's behaviour in relation to the Code.

The county's Monitoring Officers, in conjunction with CALC and the LGA, have created a single model Code of Conduct, which they have recommended is adopted by all the county's councils at every tier. The Town Council's Management Committee considered the best approach would be for the Council to adopt the code without amendment at an appropriate juncture – ie prior to the election of a new council. The main difference between the Codes is one of language. The new Code is more direct and makes clear that the responsibility for civility and respect lies with the individual member.

Consequential requirements

The 2016 Orders contain elements of the Terms of Reference of individual committees, though not comprehensively so. The new Model Orders reinforce the statement that the Council may appoint Committees to conduct its work, but that the Terms of Reference for those committees are a matter for the Council to determine. In separating the two elements, the Council has the opportunity to review its committee structure, to ensure that Committee workloads, schemes of delegation and competence are still fit for purpose.

Recommendations

- 1) That the Council adopts the latest NALC Model Standing Orders, which are then reviewed as and when new editions are published.
- 2) That the Management Committee initiates a review of the Council's Committee structure as soon as possible in the term of the new Council after May.
- 3) That the Council adopts the new Model Code of Conduct.
- 4) That these actions take effect on 9 May 2022, when the Councillors elected on 5 May formally take office.

Alternative Outcomes

If the Council chooses not to follow these recommendations, the Standing Orders will require detailed (line by line) amendment to overcome existing known anomalies.

Retention of the existing Code of Conduct will bring delay to any complaint made about a councillor, as the Monitoring Officer would be required to interpret behaviour against the previous model Code.

MODEL STANDING ORDERS 2018 FOR ENGLAND (REVISED 2020)

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Introduction

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

How to use model standing orders

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. 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 council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

Drafting notes

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word “councillor” is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this ‘()’ requires information to be inserted by a council. A model standing order that includes brackets like this ‘[]’ and the term ‘OR’ provides alternative options for a council to choose from when determining standing orders.

1. Rules of debate at meetings

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

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

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave

offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

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

3. Meetings generally

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the

meeting may direct that a written or oral response be given.

- i A person shall raise their hand when requesting to speak and stand when speaking (except in Committee, or when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in their absence be done by, to or before the Deputy-Mayor (if there is one).**
- p **The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy-Mayor (if there is one) if present, shall preside. If both the Mayor and the Deputy-Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

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

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

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

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

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

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

- w **If a meeting is or becomes inquorate no business shall be transacted**
- and the meeting shall be closed. The business on the agenda for the meeting
- shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 hours.

4. Committees and sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances .**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting ;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 1 day before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;

- x. 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;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. Ordinary council meetings

- a **In an election year, the annual meeting shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting shall take place at 6pm.**
- d **In addition to the annual meeting, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting shall be the election of the Mayor and Deputy-Mayor (if there is one) .**
- f **The Mayor, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting .**
- g **The Deputy-Mayor, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting .**
- h **In an election year, if the current Mayor has not been re-elected as a member, they shall preside at the annual meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Mayor has been re-elected as a member, they shall preside at the annual meeting until a new Mayor has been elected. They may exercise an original vote in respect of the election of the new Mayor and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Mayor and Deputy-Mayor (if there is one) at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Mayor and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of their acceptance of office form unless the Council**

resolves for this to be done at a later date;

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

6. Extraordinary meetings of the council, committees and sub-committees

- a **The Mayor may convene an extraordinary meeting at any time.**
- b **If the Mayor does not call an extraordinary meeting within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting . The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. Previous resolutions

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

8. Voting on appointments

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

9. Motions for a meeting that require written notice to be given to the proper officer

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, 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 10 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 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. Motions at a meeting that do not require written notice

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

- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. Management of information

See also standing order 20.

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

12. Draft minutes

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the

minutes relate.

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

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

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council’s code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e **A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting , or committee or sub-committee for which the dispensation is required] and that decision is final.**
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or

other interest to which the request for the dispensation relates;

- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g** Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting , or committee or sub-committee for which the dispensation is required].
- h** A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or
 - iii. it is otherwise appropriate to grant a dispensation.

14. Code of conduct complaints

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of this fact, and the Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against**

him. Such action excludes disqualification or suspension from office.

15. Proper officer

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

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting for the election of a new Mayor, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf except where there is a resolution to the contrary;

- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chair, or their absence Vice Chair (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning Committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal (if there is one) which shall not be used without a resolution to that effect.
(*see also standing order 23*).

16. Responsible financial officer

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

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 May, 31 July, 30 September, 30 November, 31 January, 31 March in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;

- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the period 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 (or income and expenditure) for the last period and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations, 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 or a committee or sub-committee with delegated responsibility.
- 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the**

provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the Management committee or a staffing sub-committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Management committee or, if they are not available, the vice-chair (if there is one) of the Management committee of absence occasioned by illness or other reason and that person shall report such absence to the Management committee at its next meeting.
- c The chair of a Staffing sub-committee or in their absence, the vice-chair shall upon a resolution from the Management Committee, conduct a review of the performance and annual appraisal of the work of Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Management Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of the Management Committee or in their absence, the vice-chair of the Management Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Management Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the chair or vice-chair of the Management Committee, this shall be communicated to another member of the Management Committee, which shall be reported back and progressed by resolution of Management Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. Responsibilities to provide information

See also standing order 21.

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

21. Responsibilities under data protection legislation

Below is not an exclusive list. See also standing order 11.

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

22. Relations with the press/media

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

23. Execution and sealing of legal deeds

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

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

24. Communicating with district and county or unitary councillors

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

25. Restrictions on councillor activities

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

26. Standing orders generally

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

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The Model Standing Orders 2018 for England were revised in 2020.

South Lakeland District Council



Councillor Code of Conduct 2021

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Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

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

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

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

Purpose of the Code of Conduct

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

General principles of councillor conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

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

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

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

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

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

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

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

2. Bullying, harassment and discrimination

As a councillor:

2.1. I do not bully any person.

2.2. I do not harass any person.

2.3. I promote equalities and do not discriminate unlawfully against any person.

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

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviours in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

4.1. I do not disclose information:

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

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

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes.**

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

Examples include:

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

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

8 Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

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

9. Protecting your reputation and the reputation of the local authority Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

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

10. Gifts and hospitality

As a councillor:

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

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B

Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registrable Interests

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

Disclosure of Non- Registrable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**—
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest.

a. you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

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

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

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

* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)