

STANDING ORDERS – LUPPITT PARISH COUNCIL

INTRODUCTION - GUIDE

Part 1 is intended as a guide and source to refer to when there is a procedural difficulty for those presiding at meetings.

Part II provides a complete model set of standing orders including requirements under the new Code of Conduct.

Even if standing orders have not been formally adopted, these standing orders can be used as a basis on procedures if there is a dispute.

Some standing orders are compulsory as they are laid down in Acts of Parliament.

MEETINGS

(Legislation concerning Council Meetings is in Schedule 12 to the Local Government Act, 1972.

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STANDING ORDERS FOR LUPPITT PARISH COUNCIL

CHAIRMANSHIP

NOTE: In this part, the word Chairman means the person actually presiding at a meeting and 'Council' includes committee where any function has been delegated.

1) BASIC PRINCIPLES

The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions they can understand.

It is the primary, if not the only function of the Council to frame instructions upon which people can act, even a decision to take no action is such an instruction.

The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach without unreasonable delay an intelligible and lawful decision for the right reasons. The whole duty of a chairman is to ensure that this purpose is achieved and to this end he must:-

- (a) Protect the Council against outside interference.
- (b) Ensure that everything to be discussed is lawful.
- (c) Ensure that the Council is invited to deal with clear issues.
- (d) Ensure that as far as possible information is complete.
- (e) Permit every point of view to have a fair hearing.
- (f) Ensure that opinions expressed are relevant to the matter in hand.
- (g) Ensure that business is transacted with reasonable speed.
- (h) Ensure that as far as possible that proceedings are friendly and free from personalities.
- (i) Co-operate with the officers and councillors.

2) THE AUTHORITY OF THE CHAIR

ORIGIN

(Local Government Act, 1972.)

A parish council is not constituted until it has appointed its chairman. Therefore, the first business at an annual meeting must be to elect a chairman.

He must be a member of the council and remain in office until there is a successor. Unless he resigns or is disqualified.

The office of chairman of a parish council is created by statute. This confers the chair with a second or casting vote on all occasions but one. The scope of his authority however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

3) NATURE AND LIMITATIONS

Whether or not the Council has passed any standing orders, the Chairperson's procedural authority is derived from the Council as a whole and his rulings must be obeyed by an individual councillor because they are the rulings of the Council itself. It follows from this however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.

The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other members.

4) PRELIMINARY

Before any meeting, the Chairman and clerk should study the subjects for the agenda. They should then check.

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

5) INTERESTS (ENGLAND) - LGA Act 1972

If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

6) PERSONAL AND PREJUDICIAL INTERESTS

The law requires that where a member has a personal interest in any matter, he must disclose the existence and nature of that interest. If the personal interest is also prejudicial (England) or requires withdrawal (Wales) the member should withdraw from the room and takes no further part in the relevant proceedings or seek to influence those proceedings. The chairperson should, before a meeting consider whether any member (including himself) may have any such interest and may draw the individual members attention to the possibility before it starts. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board (England) or the Commission (Wales).

7) OUTSIDE INTERFERENCE

PUBLIC DISTURBANCES

No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general, it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again. If the warning is ignored, it should be resolved without discussion that the interrupter be excluded and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police but it may be necessary.

The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly, it may eventually be necessary to close the meeting or adjourn to a more private place. It is however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position in as much as its representatives must so far as possible be given facilities for taking their reports.

8) RULINGS ON NOTICES

The Chairperson must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued but if complaints are made, he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

9) QUORUM

The quorum of a parish meeting is two unless a document is to be executed, it has to be three.

(Lough v. Guinness. LGA 1972).

No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence, but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a quorum. In such a case, the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) should consider making an application for dispensation to their standards committee where appropriate.

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the council.

The names of those councillors present at a meeting must be recorded. It is usual for the names to be included in the minutes of the meeting.

A councillor has a right to attend every meeting and can only be excluded for disruptive behaviour.

A councillor who has a pecuniary interest in any matter under discussion must declare it and refrain from speaking or voting on the subject.

If a quorum is not present or if during a meeting the number of councillors present falls below the required quorum, the meeting shall then be adjourned and business not transacted. Another meeting may be made.

10) ULTRA VIRES PROPOSALS

The Chairperson should satisfy himself that any proposal involving expenditure is unlawful and should rule any lawful proposal or amendment out of order. If there is any doubt, advice should be sought well before the meeting and, if necessary, delete it from the agenda. The Section 137 power (contained in the Local Government Act, 1972) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

(Halsburys Laws of England. LGA 1972).

11) A CLEAR ISSUE

Every decision of the Parish Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "yes" or "no". From this there follows certain practical consequences:-

(a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected.

(b) Where there is more than one solution to a problem, each solution must be separately put to the vote.

12) THE AFFIRMATIVE FORM

The most exact method of putting a question to the vote is by the use of the following formula:-

"The resolution is as follows:-

(e.g.) 'That the Clerks's salary be raised to.....a year.'

The motion is that this resolution be agreed to."

(NOTE: A RESOLUTION is a proposal of the action intended to be taken; for example 'That the Council buy a mower.' A motion is the procedural formula by which the Council disposes of business: for example, 'The motion is that the resolution be amended by "or 'The motion is that the Council do now adjourn.')

13) SEPARATING THE ISSUES

In attempting to reach a decision, a Council may, from time to time, be faced with alternative solutions. Some alternatives may be mutually exclusive, others may be matters of detail subsidiary to the principal issue.

Where the alternatives are mutually exclusive, it may be desirable, in the first instance, to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

"If the Council is to spend its money, would it prefer a swimming pool or a playing field?"

In more formal language, the issue is put to the vote by substantive resolution and amendment:-

“The RESOLUTION is that the swimming pool be provided. To this the following amendment has been moved:-

leave out the words `swimming pool` and substitute the words `new playing field.`

The motion is that this amendment be agreed to.

A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting the resolution as amended to the vote.

14) METHOD OF VOTING

Committees may be appointed and sub-committees. The council agrees the number of its members. Members must be members of the council.

In other committees with executive functions, non-members may be appointed.

A council can arrange to have any of its functions except five exercised by a committee who can have a sub-committee. A committee must consist of more than one member.

--- (LGA & HA 1989. Parish Councils committees).

Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

15) VOTING IN COMMITTEES

(LGA 1972.Sch.12)

Members of committees and sub-committees entitled to vote shall vote, by a show of hands or by ballot paper.

The Chairman of committees and sub-committees shall have a second or casting vote.

If a member so requires, the clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

The chairperson may not give an original vote in the election of the chairperson on any occasion when the retiring chairperson will immediately after such an election retire from the council.

In any case of an equality of votes, the chairperson may give a casting vote (whether an original vote was cast or not.)

16) COMPLETENESS OF INFORMATION

Sensible decisions cannot be reached without reasonably complete information which it is usually the duty of the clerk to supply. The chairperson should before the meeting consider whether enough information is available or likely to be made available and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient, he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

17) IMPARTIALITY

When differences of opinion develop in a discussion, it is the duty of the Chairperson to give a fair hearing to all points of view including his own if he has one. It is not his duty as chairperson to impose his opinions. Experience has shown that the safest course is for the Chairperson to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.

Some people are better at putting a case than others and the chairperson ought to allow reasonable latitude to the less eloquent. The chairperson should give some time to allowing time for a speech.

18) RELEVANCE

GENERAL RULE – SPEECH

A speech must be directed to the point under discussion and nothing else.

This rule is easy to state but not always easy to apply fairly because the relevance of what is being said must be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for “barracking from the chair” it is probably true that if the chairperson enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case and many unnecessary arguments would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to “clear the air.” Too harsh suppression can breed ill-will and a sense of grievance.

19) PERSONALITIES

The Chairperson should do his best to prevent observations in discussion; the custom whereby speeches are in form addressed to the chairperson only should be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairperson should immediately intervene to seek immediate apology to an offended member.

20) METHODS OF ENFORCEMENT

Where a speech is obviously irrelevant, the Chairperson should stop the speaker and invite him to return to the point. Where the irrelevance is not quite so obvious, the Chairperson may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

21) REVIVAL OF DECIDED ISSUES

The Chairperson should not allow a matter which has been decided to be re-opened at the same meeting. An attempt to “hark back” to a previous agenda item should be firmly ruled out of order as irrelevant.

22) MINUTES

(LGA 1972. Sch. 12).

Minutes should be properly signed. The minutes relate to a meeting of the parish council. The parish council is deemed to have been duly convened and held. The Committee is deemed to have been properly constituted and have the power to deal with the matters set out in minutes.

A copy of the resolution, order or minute of a local council is evidence as long as it is signed by the clerk or an officer of the council.

Minutes should be sent out as soon as possible after the meeting.

One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes on a motion for their signature as a correct record. On such a motion, the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

23) OTHER PROBLEMS

If any substantial issues arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under “Matters Arising.” That heading should be used only for reports of progress and not for new or additional decisions.

Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor, the clerk should issue copies. Normally it is sufficient to report the main issue in the letter. For example: “Mrs Smith ofhas written asking the council to get the pile of rubbish removed from.....”

24) REASONABLE DESPATCH - MEETINGS

INTERVALS

It is important that business should be transacted with reasonable speed.

Long meetings bore the members. Long intervals between meetings lead to missed opportunities and concentration.

A local council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly.

For this reason, the parish council should meet, at least once a month, and the chairperson ought not to hesitate to call special meetings in necessary cases.

The right of local councils to be notified of planning applications makes this especially important.

25) REPETITION

If it is evident that nothing new can be said on either side in a particular discussion, a chairperson is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases, the chairperson should put the matter to the vote.

26) REFERENCES

There is a natural tendency to refer questions to someone else (eg an officer or a committee) for consideration or report. These are frequently unnecessary. They are often used only when a council is unwilling to make a final decision.

27) SOME PROCEDURAL POINTS

POINTS OF ORDER

Points of Order relate to procedure only.

They take precedence over other business; it is the duty of the chairperson to deal with them. If a point relates to the substance of a matter under discussion, it is not a point of order and should be ruled out of order by the chairperson. The person raising the matter of substance in this way should be told to save it for his speech on the business.

For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must, therefore, be decided by discussion.

The person who interrupted may, of course, answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "on a point of order, have we power to do this?" the chairperson (in consultation with the clerk) must give a ruling

because if the answer is “no” the council has no power to act as proposed and the business ought not to be under discussion.

28) PROCEDURAL RESOLUTIONS

Procedural resolutions should normally be put without discussion.

The usual exceptions are resolutions to

- (a) Correct minutes
- (b) Alter the order of business.
- (c) Refer to committee.

29) CLOSURE MOTIONS

The following are the respective effects of closure resolutions:-

On the passing of a resolution to proceed to the next business, proceedings on the business in hand comes to a stop and no decision upon it can be taken.

At the end of any speech a member may, without comment, move “that the question be now put” “that the debate be now adjourned” or “that the Council do now adjourn.”

If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put” only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to waive his right of reply.

30) AMENDMENTS

An amendment which in substance negatives the principle resolution should not be allowed because it is confusing and unnecessary.

An amendment should always be put to the vote before the resolution which it seeks to amend.

31) ANY OTHER BUSINESS

The summons to a meeting of a local council must by law specify the business to be transacted.

A local council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the council into a legal situation.

There is no practical objection to exchanges of information under ANY OTHER BUSINESS.

32) URGENT BUSINESS

The law makes no provision for dealing with “urgent” business. If it is “urgent” because it was not notified in time to appear on the agenda it should be left until the next meeting.

An additional meeting should be called. The Parish Council should have an regular arrangement for the reference of such matters. It is contrary to local government law for the chairperson or any other single member to make a decision binding the council.

33) USE OF CHAIRMAN’S VOTES

Except on one occasion, the chairperson has an ordinary and casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting. It is obviously undesirable and undignified for him to wait and then say: “the voting is 5 to 4 against. I therefore, vote in favour which makes it even.”

Where there is an equality of votes a chairperson may be faced with an embarrassing problem.

A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution not carried.

34) PRESENCE OF THE PUBLIC AND PRESS

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

(LOCAL GOVERNMENT ACT 1972, THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960.

The public and press shall be admitted to all meetings. The committee may, however, temporarily exclude the public and press by means of the following resolutions:-

“In view of the confidential nature of the business about to be transacted, it is advisable in the public interests, that the press and public be temporarily excluded and they are instructed to withdraw.”

The Committee shall state the special reason for exclusion.

At all meetings the chairman may at their discretion and at a convenient time adjourn the meeting so as to allow members of the public to address the meeting in relation to the business to be transacted at that meeting.

The clerk shall afford to the press, reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.

If a member of the public interrupts the proceedings at any meeting, the Chairperson, may after warning, order that he be removed from the meeting.

35) CONFIDENTIAL BUSINESS

No member of the Council or of any Committee or sub-committee shall disclose to any person, any business declared to be confidential by the Parish Council.

Any member in breach of the provision of this Standing Order, shall be removed from any Committee of the Council.

36) LIAISON WITH COUNTY, DISTRICT COUNCILLORS AND PRESS

A summons (agenda) for each meeting shall be sent, together with an invitation to attend, to the County Councillor and District Councillor for the ward.

37) MALADMINISTRATION

(Code of Practice in Handling Complaints (NALC).

Local Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a local council if the law has not been broken. It is however, important for the good name of the council that complaints be handled properly and fairly. The National Association has, therefore, published National Circular 2/86 –

Code of Practice in Handling Complaints – which recommends a standard and formal procedure to all councils. In light of the Local Government Act, 2000, councils are recommended to agree a form of complaint procedure.

38) PUBLIC PARTICIPATION

The public cannot of course, take part in the proceedings of the council. An increasing number of councils have created and sustained public interest in their work by arranging for a short period in meetings (say 30mins) when members of the public are permitted to put questions to the council or to make observations. Such periods can either be during the meeting (by adjournment) or at its end.

39) LENGTH OF MEETINGS

(LGA 1972)

Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order. Councillors may find it advantageous to establish a custom.

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PART II

STANDING ORDERS

1) MEETINGS (LGA 1972)

The name of the Parish Council is Luppitt.

MEETINGS of the parish council shall normally be held on the first Tuesday of each month, unless the parish council decides otherwise.

Smoking is not permitted at any meeting of the Council.

ALL MEETINGS

Proceedings shall not begin before 6pm.

The Chairperson of the parish council shall preside.

If the chairperson is absent, the vice-chairman shall preside.

If the Chairperson and vice-chairman are absent, the meeting shall appoint a chairperson before it proceeds to any other business.

The Proper Officer shall record the proceedings of parish meetings.

If the clerk is absent, the person presiding at the meeting may record the proceedings or may appoint another to do so.

As soon as the chair has been filled and provision made for recording the proceedings, the minutes of the previous meeting shall be read, considered and if correct, signed by the person presiding at the meeting.

2) THE STATUTORY ANNUAL PARISH MEETING

a) In an election year the Annual Parish Council Meeting Shall be held on or within 14 days following the day on which the councillors elected take office and

b) In a year which is not an election year the Annual Parish Council Meeting shall be held on such a day in May as the council may direct.

3) In addition to the statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the council may direct.

4) CHAIRMAN OF MEETING

The person presiding at a meeting may exercise all the powers and duties of the chairman in relation to the conduct of the meeting.

5) PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, the Proper Officer shall be the clerk.

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices of declarations of interests.
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the parish council.
- (e) To receive copies of byelaws made by another local authority.
- (f) To certificate copies of byelaws made by the Council.
- (g) To sign and issue summons to attend meetings of the council.
- (h) To keep proper records for all Council meetings.

6) QUORUM OF THE COUNCIL

Three members or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the council.

7) If a quorum is not present, or if during a meeting the number of councillors present (not counting those debarred by reason of declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted, shall be transacted at the next meeting or on such another day as the chairman may fix.

8) For a quorum relating to a committee or sub committee, please refer to Standing order 48.

VOTING

9) Members shall vote by a show of hands or, if at least two members so request, by signed ballot.

10) If a members so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

11) (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give the casting vote whether or not he gave an original vote.

(2) if the person presiding at the Annual Meeting would have ceased to be a member of the council but for statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for chairman.

12) ORDER OF BUSINESS

In an election year, councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a Proper Officer previously authorised by the Council to take such a declaration before the ANNUAL MEETING commences.

AT EACH ANNUAL MEETING THE FIRST BUSINESS SHALL BE

(a) TO ELECT A CHAIRPERSON of the council.

(b) To receive the chairperson's Declaration of Acceptance of Office or, if not, then received to decide when it shall be received.

(c) In the ordinary year of election, the parish council is required to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the council which have not been received as provided by law, shall be received.

(e) To elect a vice-chairperson.

(f) To appoint representatives to outside bodies.

(g) To appoint committees and sub committees.

(h) To consider the payment of any subscriptions paid annually.

(i) To inspect any deeds and trust investments in the custody of the council as required.

and thereafter follow the order set out in standing order 15

13) AT EVERY MEETING OTHER THAN THE ANNUAL MEETING, the first business shall be to appoint a chairperson and if the Chairperson and Vice Chairperson be absent and

to receive any such Declarations of Acceptance of Office (if any) as are required by law to be made, or if not, then received to decide when they shall be received.

14) In every year, not later than the meeting at which the estimates for the next year are settled, the council shall review the pay and conditions of service of existing employees. Standing order 38 must be read in conjunction with this requirement.

15) After the first business has been completed, the order of business, unless the council otherwise decides on the grounds of urgency shall be as follows:

(a) To read, and consider the minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

(b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

(c) To deal with business expressly required by statute to be done.

(d) To dispose of business, if any remaining from the last meeting.

(e) To receive such communications as the person presiding may wish to lay before the council.

(f) To answer questions from the council.

(g) To receive and consider reports and minutes from committees.

(h) To receive and consider resolutions or recommendations in the order in which they have been notified.

(i) To authorise the sealing of documents.

(j) If necessary, to authorise the signing of orders for payment.

16) URGENT BUSINESS

A motion to vary the order of business on the grounds of urgency.

(a) May be proposed by the chairman or by any member and if proposed by the chairman, may be put to the vote without being seconded and

(b) Shall be put to the vote without discussion.

17) RESOLUTIONS MOVED ON NOTICE

Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the clerk at least a week beforehand.

18) The clerk shall date every resolution when received. Number each notice in the order in which it was received. Enter it in a book which shall be open to inspection.

19) The clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they were received.

20) If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by another member, it shall, unless postponed by the council, be treated as withdrawn and not moved without fresh notice.

21) If the subject matter of a resolution comes within the province of a committee of the council, it shall upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the council may determine for report; provided that the chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at a meeting at which it was moved.

22) Every resolution or recommendation shall be relevant to some subject over which the council has power or duties which affects its area.

23) RESOLUTIONS MOVED WITHOUT NOTICE

Resolutions dealing with the following matters may be moved without notice.

- (a) To appoint a chairperson of the meeting.
- (b) To correct the minutes.
- (c) To approve the minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to committee.
- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the press and public (see order 68 below).
- (o) To silence or eject from the meeting a member named for misconduct (see order 33 below).
- (p) To give the consent of the council where such consent is required.
- (q) To suspend any Standing Order (see Order 79 Below).
- (r) To adjourn the meeting.

24) Questions

A member may ask the Chairman of the council or the Clerk any question concerning the business of the council, provided seven clear days notice of the question has been given to the person to whom it is addressed.

25) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

26) Every question shall be put and answered without discussion.

27) A person to whom a question has been put may decline to answer.

28) RULES OF DEBATE

No discussions shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be agreed by the parish council and initialled by the chairperson.

29 a) A resolution or an amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman be reduced to writing and handed to him before it is further discussed or put to the meeting.

(b) A member when seconding a resolution may if he declares his intention to do so, reserve his speech until a later period of the debate.

(c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

(c) No speech shall exceed more than five minutes except by consent of the chairman.

e) An amendment shall be either;-

i) to leave out words

ii) to leave out words and insert others

iii) to insert or add words

(f) An amendment shall not have the effect of negating the resolution before the Council.

(g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.

(j) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.

(k) A Member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

(l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

(m) When a resolution is under debate no other resolution shall be moved except the following:-

- (i) to amend the resolution;
- (ii) to proceed to the next business;
- (iii) to adjourn the debate;
- (iv) that the question be now put;
- (v) that a Member named be not further heard;
- (vi) that a Member named do leave the Meeting;
- (vii) that the resolution be referred to a Committee;
- (viii) to exclude the Public and Press ;
- (ix) to adjourn the Meeting.

(n) There shall be no further discussion once the vote on a resolution has been taken.

30. A Member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

31. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(b) Any member of the Council shall have the right to challenge the Chairman's ruling, at which point an immediate vote on the chairman's ruling will be taken.

(c) Members shall address the Chairman.

(d) If two or more Members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.

(e) Whenever the Chairman rises during a debate all other Members shall be seated and silent.

CLOSURE

32. At the end of any speech a Member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

33) DISORDERLY CONDUCT

(a) All members must observe the Code of Conduct which was adopted by the Council on the 2nd January 2002, a copy of which is annexed to these Standing Orders.

(b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

(c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board (England).

(c) If either motions are disobeyed, the chairman may suspend the meeting and take further steps as necessary to enforce them.

RIGHT OF REPLY

34. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

35. A Member may, without the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

36. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least five Members of the Council, or by resolution moved in pursuance of the report or recommendation of a Committee.

(b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

37) VOTING ON APPOINTMENTS

Where more than two persons have been nominated for any position to be filled by the council and of the votes given, there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

38) DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the council, it shall not be considered until the press and public have been excluded (see Standing Order 68).

RESOLUTIONS ON EXPENDITURE

39. Any motion [which is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee or of another Committee after recommendation by the Finance and General Purposes Committee] and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon. The Finance and General Purposes Committee shall report on the financial aspect of the matter.

40. EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the council and signed by two members.

SEALING OF DOCUMENTS

41. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by resolution.

(b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Clerk in the presence of the Town Mayor or the Deputy Town Mayor who shall sign the document as witnesses.

COMMITTEES AND SUB-COMMITTEES

42. The Council may at the Annual Meeting appoint Standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:-

(a) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting, and

(b) May appoint persons other than council members to any committee; and

(c) may at any time dissolve or alter the Membership of a Committee.

43. The Chairman and Vice Chairman ex-officio shall be voting Members of every committee.

44. Every Committee shall at its first Meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council; and shall settle its programme of meetings for the year, and also appoint such Sub-committees as may be necessary for purposes to be specified by the Committee.

45) SPECIAL MEETING

The Chairman of a committee may summon an additional meeting at any time. An additional meeting should also be summoned in writing. The summons should set out the business to be considered and no other business shall be transacted at that meeting.

46. SUB COMMITTEES

Every committee may appoint sub committees for purposes to be specified by the committee.

47. The Chairman and Vice-Chairman of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.

48. The quorum of a Committee shall be one third of the Members of the Committee except in the case of the Planning Committee when the quorum shall be one third of the Members of the Council when it is dealing with matters in respect of which it has power to act (consideration of Planning Applications).

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interest of members in contracts and other matters shall apply to Committee and Sub-Committee Meetings.

50) ADVISORY COMMITTEES

(a) The Council may at any time, establish or disband advisory committees.

(b) The clerk shall inform the members of each advisory committee of the terms of reference of the committee.

(c) An advisory committee may make recommendations and give notice thereof to the council

(d) An advisory committee may consist wholly of persons who are not members of the council.

VOTING IN COMMITTEES

51. Members of committees and Sub committees entitled to vote, shall by show of hands, or, if at least two members so request by ballot.

52. Chairmen of Committees and Sub-Committees shall in the case of an equality of votes have a second or casting vote.

53) PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS.

A member who has proposed a resolution to any committee of which that person is not a member, may explain that resolution to the committee but shall not vote.

54) ACCOUNTS AND FINANCIAL STATEMENT

(1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the council shall be laid before the council.

(2) Where it is necessary to make a payment before it has been authorised by the council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the Clerk if different. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice Chairman of the Council.

(3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments laid before the council.

55 The responsible Financial Officer shall supply to each member as soon as practicable after 31st March in each year a statement of the receipts and payments of the council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of accounts of the council (which is subject to the external audit) shall be presented to the council for formal approval before the end of the following month of September.

56) ESTIMATES

Any committee desiring to incur expenditure to be defrayed out of the rates shall not later than November, give to the clerk a written estimate of the expenditure recommended for the coming year and such estimate shall be submitted to the council.

INTERESTS

57. If a Member has a personal interest as defined by the Code of Conduct adopted by the Council of February 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

58. If a member who has declared a personal interest then considers the interest to be prejudicial he must withdraw from the room or chamber during consideration of the item to which the interest relates.

59. (Wales)

60. The Clerk may be required to compile and hold a register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

62 The clerk shall make known the purpose of this Standing Order to every candidate.

63 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

(a) Canvassing of members or of any committee directly or indirectly for any appointment under the council shall disqualify the candidate for such an appointment.

(b) A member of the council shall not solicit for any person any appointment under the council or recommend any person for such an appointment. Nevertheless, a member may

give a written testimonial of a candidates ability, experience or character for submission to the council.

64 Standing Orders no.s 61 & 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

65) INSPECTION OF DOCUMENTS

A member may, for the purpose of duty as such inspect any document in possession of the council or a committee. If copies are available, shall on request be supplied with a copy.

66) All minutes kept by the council and by any committee shall be made available for the inspection of any members of the Council.

67) UNAUTHORISED ACTIVITIES

No member of the council or of any committee or sub-committee shall, in the name of or on behalf of the council, inspect any lands or premises which the council has a right or duty to inspect, unless authorised to do so by the council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC & PRESS TO MEETINGS

68. The Public and the Press shall be admitted to all meetings of the Council and its Committees and Sub-committees, which may, however, temporarily exclude the Public or the Press or both by means of the following resolutions:

“Than in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”.

69. The Council Committee or Sub-Committee shall state the special reason for exclusion.

70. At all meetings of the council, the chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

71. The Clerk shall afford to the Press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the Meeting without the express approval of the Council.

72. If a Member of the Public interrupts the proceedings at any Meeting, the Chairman may, after warning, order that he be removed from the Meeting for such period as is necessary to restore order.

CONFIDENTIAL BUSINESS

73. 1. No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or Sub-Committee as the case may be.

2. Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

74 LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

A summons and agenda for each meeting shall be sent, together with an invitation to attend, to the County and District Councillors for the ward.

75. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or the District Councillor for the Ward as the case may require.

76 PLANNING APPLICATIONS

1) the clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the council:-

- (a) the date on which it was received
- (b) the name of the applicant
- (c) the place to which it relates
- (d) the clerk shall notify the receipt of every planning application to the chairman/chairman of the planning committee or in the chairman's absence the vice chairman within 48 hours of receipt.

77) FINANCIAL MATTERS

The Parish Council shall consider and approve the Financial Regulations drawn up by the Audit Commission.

Such regulations shall include detailed arrangements for the following;

- (a) the accounting records and systems of internal audit control
- (b) The assessment and management of risks faced by the Council.
- (c) The work of the internal auditor and the receipt of regular reports from the internal auditor which shall be required at least annually.
- (d) The financial reporting requirements of members and Local Electors.
- (e) the procurement of any policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.

(2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5000 shall be procured on the basis of a formal tender as summarised in (3) below.

3) ANY FORMAL TENDER PROCESS SHALL COMPRISE THE FOLLOWING.

- (a) A public notice of intention to place a contract to be placed in a local newspaper.
- (b) A specification of the goods, materials etc., to be drawn up.
- (c) Tenders to be sent in a sealed marked envelope to the clerk by a stated date.

(d) tenders are to be opened by the clerk and at least one member of the council

(e) Tenders to be assessed and reported to the appropriate meeting.

4) The council or committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 60 & 62 regarding improper activity.

5) These shall be subject to a regular review at least every four years.

78) CODE OF CONDUCT ON COMPLAINTS

The parish council shall deal with complaints of maladministration by the parish council or in such a manner as adopted by the parish council except for those complaints which should be properly directed to the Standards Board for consideration.

(Model standing order on complaints procedure. Nat.Circular 2/86 – NALC).

VARIATION, REVOCATION & SUSPENSION OF STANDING ORDERS

79. Any part of the Standing Orders except those in bold type may be suspended by resolution in relation to any specific item of business

80. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next Ordinary Meeting of the Council.

81) STANDING ORDERS.

A copy of these Standing Orders shall be given to each parish council member by the clerk upon delivery to him of the members declaration of acceptance of office and written undertaking to observe the code of conduct adopted by the council.

ETHICAL FRAMEWORK

All councillors are required on accepting office, to declare that they will be guided by the Code of Conduct and to disclose their interests.

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to you as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State^[13].

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[14]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986[15].

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), 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 ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000[16].

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.