

# Scruton Parish Council

## Standing Orders

6These Standing Orders were adopted by the Council at its Meeting held on July 13<sup>th</sup> 2006, reviewed in 2016 and reviewed and adopted in 2018 and reviewed again in 2019.

These standing orders govern the conduct of the management of ordinary business by the Council and may only be amended or varied by resolution of the Council.

### Contents

Contents.....	1
Meetings.....	2
The statutory annual meeting.....	2
Chairman of the meeting .....	3
Proper officer .....	3
Powers delegated to the clerk .....	3
Voting .....	4
Casting vote.....	4
Order of business .....	5
Urgent business.....	6
Resolutions moved on notice.....	6
Resolutions moved without notice .....	7
Questions .....	7
Rules of debate .....	8
Resolutions or amendments .....	8
Conduct of the meeting .....	9
Closure.....	9
Disorderly conduct.....	10
Right of reply .....	10
Alteration of resolution .....	10
Rescission of a previous resolution.....	10
Voting on appointments.....	10
Discussions and resolutions affecting employees of the Council .....	11
Resolutions on expenditure .....	11
Expenditure .....	11
Sealing of documents.....	11
Committees and sub-committees.....	11
Special meeting.....	12
Sub-committees .....	12
Advisory committees.....	12
Voting in committees .....	13
Presence of non-members of committees at committee meetings .....	13

Accounts and financial statement.....	13
Estimates and Precepts .....	13
Interests .....	14
Canvassing of and recommendations by members .....	14
Inspections of documents .....	14
Unauthorised activities .....	15
Admission of the Public and Press to Meetings.....	15
Confidential business .....	15
Liaison with County and District Councillors .....	16
Additional duties placed on councillors.....	16
Planning applications.....	16
Financial matters .....	16
Code of conduct on complaints .....	17
Variation, revocation and suspension of standing orders .....	17
Standing orders to be given to members .....	17
Data Protection .....	17
Notes .....	18

## **Meetings**

1. Meetings of the council shall be held each year at approximately 2 monthly intervals and shall start at 19:30 unless otherwise agreed.
2. Meetings shall usually be on the second Thursday of the month in January, March, May, July, September and November.
3. Meetings shall not last for more than 3 hours, except by a resolution of the council.
4. Those attending meetings will be asked to put their names and, if necessary, contact details on an attendance sheet, which will be filed by the clerk in the minute book.
5. Smoking is not permitted at any meeting of the Council.

## **The statutory annual meeting**

6. In an election year the Annual General Meeting shall be held on or within 14 days following the day on which the councillors elected take office.
7. In a year which is not such an election year the Annual General Meeting shall be held on such day in May as the Council may direct.

8. In addition to the Statutory Annual General Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.

### **Chairman of the meeting**

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

### **Proper officer**

10. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he or she shall be the clerk to:
  - Receive declarations of acceptance of office;
  - Receive and record notices disclosing interests at meetings;
  - Receiving and retain plans and documents;
  - Sign notices or other documents on behalf of the council;
  - Receive copies of bylaws made by another local authority;
  - Certify copies of bylaws made by the council;
  - Sign and issue the summons to attend meetings of the council;
  - Keep proper records for all council meetings;

### **Powers delegated to the clerk**

11. The Council delegates to the Clerk the power to maintain the parish notice boards, removing and tidying notices at his or her discretion, and to remove or tidy notices posted without permission throughout the village.
12. The Council delegates to the clerk the power to determine the Council's response to routine requests and any correspondence from members of the public and press. The clerk may determine and initiate the Council's response and will inform all Councillors of the full details by Email or telephone within 24 hours. Where any request is deemed 'significant' or non – routine, the Clerk will, within 24hours, acknowledge receipt by E Mail, and state that the Council will respond within 10 working days. The Clerk will then inform all Councillors by E Mail within 48 hours supplying full details. The clerk will keep a record of all such correspondence which may be viewed by any Councillor at any time. The Council delegates to the clerk the power to demand any Councillor to fully disclose to the clerk any and all documents pertaining to such matters.
13. The Council delegates to the clerk the power to determine and initiate the Council's response to a matter which is deemed not routine or is considered to be of specific importance as soon as is reasonably practical. In determining the Council's response, the clerk must communicate with the Chair, or the Deputy Chair if the chair is not available, and a minimum of one other Councillor. If both the Chair and Deputy Chair are not contactable, the Clerk should communicate with a minimum of two other Councillors. The Clerk will keep detailed records of all aspects of the matter, including the rationale for the decision reached, the names of the Councillors involved and any other person from whom guidance was sought. The Clerk must ensure the written record of ny such matter dealt with under S O 13 is included in the order of business at the next meeting of the Council for ratification and retention.
14. The Council delegates to the Clerk the power to determine the Council's response on planning applications. In determining the response the Clerk shall consult all

councillors by circulating the planning application and shall seek the advice and opinion of such other experts as shall be thought necessary by any Councillor, except that such consultation shall not exceed the Clerk's contracted hours or delay the formulation of a response beyond deadlines set. The final response, submitted by the clerk, should be a simple APPROVE / REJECT, with no figures shown.

15. The Council delegates to the Clerk the power to pay wages as they fall due, at the rates agreed by the Council and provided that the amount does not exceed the annual budget, without requiring a special agenda item authorising payment.

### **Quorum of the council**

16. Three members or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
  17. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a 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 other day as the Chairman may fix.
- 18 For a quorum relating to a committee or sub-committee, please refer to Standing order 81

### **Voting**

18. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
19. 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. Such a request must be made before moving on to the next business.

### **Casting vote**

20. 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 a casting vote whether or not he or she gave an original vote.
21. If the person presiding at the annual parish meeting would have ceased to be a member of the council, but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he or she may not give an original vote in an election for Chairman.
22. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman

## Order of business

23. At each Annual General Meeting the first business shall be: **(OR every second year if designated \*\*)**
- a) To elect a Chairman of the Council. \*\*
  - b) To receive the Chairman'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 of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - d) To decide when any declaration of acceptance of office which have not been received as provide by law shall be received.
  - e) To elect a Vice-Chairman of the Council. \*\*
  - f) To appoint representatives to outside bodies. \*\*
  - g) To appoint committees and sub-committees. \*\*
  - h) To inspect any deeds and trust investments in the custody of the Council as required.
  - i) To revisit the declarations of interest of all councillors and revise as necessary.
  - j) To affirm the nominated cheque signatories.
  - k) To appoint an internal auditor.
  - l) To review the Financial Standing Orders. \*\*

And shall thereafter follow the order set out in Standing Order 27 below

24. Any member of the council may be elected chairman, provided that he or she has not held the post of chairman consecutively in the preceding two years.
25. At every meeting other than the Annual General Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received. In this circumstance, the restriction in Standing Order 24 above shall not apply.
26. In every year, the Council shall review the pay and conditions of service of existing employees (please see Standing Order 68 in conjunction with this requirement).
27. 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 receive apologies for non-attendance
  - b) To read and accept 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;

- c) After consideration to approve the signature of the minutes by the person presiding as a correct record;
- d) To deal with business expressly required by statute to be done
- e) To deal with matters of finance and risk management
- f) If necessary to authorise the signing of orders for payment
- g) To receive such communications as the person presiding may wish to lay before the council
- 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) To receive and consider reports and minutes of committees
- k) To answer questions from Councillors
- l) To agree the items for inclusion in the forthcoming newsletter

### **Urgent business**

28. 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

### **Resolutions moved on notice**

29. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the clerk at least 14 clear days before the next meeting of the Council.
30. The Clerk shall date every notice of resolution or recommendation when received by him or her, shall number each notice in the order in which it was received and shall enter it into a book which shall be open to the inspection of every member of the Council.
31. The clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he or she intends to move at some later meeting or that he or she withdraws it.
32. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
33. 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 or she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

34. Every resolution or recommendation shall be relevant to some subject over which the Council has powers or duties, which affects its area.

### **Resolutions moved without notice**

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

- a) To appoint a chairman 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 a 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 extend the duration of the meeting beyond the 3 hour limit which normally applies;
- o) To exclude the press and public (see Order 106 below);
- p) To silence or eject from the meeting a member named for misconduct (see Order 61 below);
- q) To give the consent of the Council where such consent is required by these Standing Orders;
- r) To suspend any Standing Order (see Standing Order 125 below);
- s) To adjourn the meeting.

### **Questions**

36. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council provided 14 days clear notice of the question has been given to the person to whom it is addressed.
37. No questions unconnected with the business under discussion shall be asked, except during the part of the meeting set aside for questions.

38. Every question shall be put and answered without discussion.
39. A person to whom a question has been put may decline to answer.

### **Rules of debate**

40. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

### **Resolutions or amendments**

41. A resolution or 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.
42. A member when seconding a resolution or amendment may, if he or she declares his or her intention to do so, reserve his or her speech until a later period of the debate.
43. A member shall direct his or her speech to the question under discussion or to a personal explanation or to a question of order.
44. No speech by a mover of a resolution shall exceed 3 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
45. An amendment shall be either:
  - To leave out words
  - To leave out words and insert others
  - To insert or add words.
46. An amendment shall not have the effect of negating the resolution before the Council.
47. 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.
48. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
49. The mover of a resolution or of an amendment shall have right of reply, not exceeding 3 minutes.
50. 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 a closure.



51. 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 or her which may have been misunderstood.
52. 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.
53. When a resolution is under debate no other resolution shall be moved except the following:
  - To amend the resolution
  - To proceed to the next business
  - To adjourn the debate
  - That the question be not put
  - That a member named be not further heard
  - That a member named leave the meeting
  - That the resolution be referred to a committee
  - To exclude the public and press
  - To adjourn the meeting
54. A member shall remain seated when speaking unless requested to stand by the Chairman.

### **Conduct of the meeting**

55. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
56. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
57. Whenever the Chairman speaks during a debate all other members shall be silent.

### **Closure**

58. 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, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he or she 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 exercise or waive his or her right of reply and shall put the question immediately after that 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.

## **Disorderly conduct**

59. All members must observe the latest iteration of the Code of Conduct adopted by the council, on 12/09/19 a copy of which is issued to all Council members at AGMs and a copy is annexed to these Standing Orders.
60. 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.
61. If, in the opinion of the Chairman, a member has broken the provisions of the Standing Order 60, 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 be required to 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.
62. If either of the motions mentioned in Standing Order 61 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## **Right of reply**

63. 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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## **Alteration of resolution**

64. A member may, with the consent of his or her seconder, move amendments to his or her own resolution.

## **Rescission of a previous resolution**

65. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 3 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
66. When a special resolution or any other resolution moved under the provisions of the Standing Order 65 has been disposed of, no similar resolutions may be moved within a further six months.

## **Voting on appointments**

67. 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.

### **Discussions and resolutions affecting employees of the Council**

68. 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 Council or committee (as the case may be) has decided whether or not the press and public shall be excluded (See standing order 106).

### **Resolutions on expenditure**

69. Any resolution (which is moved otherwise than in pursuance of a recommendation of the financial committee or of another committee after recommendation by the finance 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 (and the finance committee shall report on the financial aspect of the matters).

### **Expenditure**

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

### **Sealing of documents**

71. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
72. Any two members of the Council named in a resolution moved under the provisions of Standing Order 71 may seal, on behalf of the Council, any document required by law to be issued under seal.

### **Committees and sub-committees**

73. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting
  - b) May appoint persons other than members of the Council to any Committee except the finance committee and

c) May subject to the provisions of Standing Order 65 above at any time dissolve or alter the membership of any committee.

74. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
75. 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.
76. Members of the public can be co-opted onto committees except the Finance Committee and can speak but not vote in all but 4 cases. Where the committee is for managing land, tourism, festivals and harbours co-opted committee members can vote.

### **Special meeting**

77. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### **Sub-committees**

78. Every committee may appoint sub-committees for purposes to be specified by the committee.
79. 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.
80. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
81. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

### **Advisory committees**

82. The council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
83. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
84. An advisory committee may make recommendations and give notice thereof to the Council.

85. An advisory committee may consist wholly of persons who are not members of the Council.

### **Voting in committees**

86. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
87. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

### **Presence of non-members of committees at committee meetings**

88. A member who has proposed a resolution, which has been referred to any committee of which he or she is not a member, may explain his or her resolution to the committee but shall not vote.

### **Accounts and financial statement**

89. Except as provided in Standing Order 90 or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
90. 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 appropriate officer. 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.
91. All payments ratified under Standing Order 90 shall be included in the next schedule of payments before the Council.
92. The responsible financial officer shall supply to each member as soon as practicable after 31 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 July). The statement of accounts of the council (which is subject to external audit) shall be presented to Council for formal before the end of the following month of September.

### **Estimates and Precepts**

93. The council shall approve written estimates for the coming financial year at its meeting before the end of the month of November.
94. Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31 August.

## **Interests**

95. If a member has a personal financial interest as defined by the Code of Conduct currently adopted by the Council on 12/09/19 then he or she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
96. If a member who has declared a personal interest then considers the interest to be prejudicial, he or she must withdraw from the room or chamber during consideration of the item to which the interest relates.
97. The clerk may be required to compile and hold a register of member's financial interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
98. If a candidate for any appointment under the Council is to his or her knowledge related to any member of or the holder of any office under the Council, he or she and the person to whom he or she 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 a relationship to a member is disclosed, Standing Orders 95 and 96 shall apply as appropriate.
99. The Clerk shall make known the purpose of the Standing Order 98 to every candidate.

## **Canvassing of and recommendations by members**

100. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this Order to every candidate.
101. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
102. Standing orders numbers 98 and 99 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **Inspections of documents**

103. A member may for the purpose of his or her duty as such (but not otherwise) inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

104. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

### **Unauthorised activities**

105. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions;

Unless authorised to do so by the Council or the relevant committee or sub-committee.

### **Admission of the Public and Press to Meetings**

106. The public and press shall be admitted to all meetings of the Council and its committees and subcommittees, which may, however, temporarily exclude the public and press by means of the following resolutions: "That in the view of the 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"

107. The Council shall state the reason for exclusion.

108. At all meetings of the Council the Chairman may at his or her 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.

109. 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. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

110. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he or she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### **Confidential business**

111. 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 the sub-committee as the case may be.

112. Any member in breach of the provisions of Standing Order 111 shall be removed from any committee or sub-committee of the Council by the Council.

## **Liaison with County and District Councillors**

113. A summons and agenda for each meeting shall be sent, together with an invitation to attend to the County and District Councillor.
114. 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 to the District Councillor for the ward as the case may require.

## **Additional duties placed on councillors**

115. Councillors who attend meetings on behalf of or as a nominee of the Parish Council must report such attendance to the clerk and request inclusion of an item in the agenda which will allow them to make a report to the Council.

## **Planning applications**

116. The Clerk shall, as soon as it is received, enter into the agenda for the forthcoming meeting the following particulars of every planning application notified to the Council:
- The date on which it was received;
  - The name of the applicant;
  - The place to which it relates.
117. In regard to responding on planning applications see Standing Order **Error! Reference source not found.** above.

## **Financial matters**

118. The Council shall consider and approve Financial Regulations drawn up by the responsible financial officer.
119. Such regulations shall include detailed arrangements for the following:
- a) The accounting records and systems of internal 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 annually;
  - d) The financial reporting requirements of members and local electors and
  - e) Procurement policies (subject to the following paragraph) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
120. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in Standing Order 121.
121. Any formal tender process shall comprise the following steps:



- a) A public notice of intention to place a contract to be placed in a local newspaper, in the village newsletter and on village notice boards;
- b) A specification of the goods, materials, services and the execution of works shall be drawn up;
- c) Tenders are to be send, in a sealed marked envelope, to the Clerk by a stated date and time;
- d) Tenders submitted as to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- e) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

122. The Council, nor any Committee, is not bound to accept the lowest or any tender, estimate or quote. Any tender notice shall contain a reference to the Orders 98, 100, 101 and 102 regarding improper activity.

123. The financial regulations of the Council shall be subject to regular review, at least once every four years.

### **Code of conduct on complaints**

124. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board.

### **Variation, revocation and suspension of standing orders**

125. Any or every part of the Standing Orders except those marked [XX] may be suspended by resolution in relation to any specific item of business.

126. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion until the next ordinary meeting of the Council.

### **Standing orders to be given to members**

127. A copy of these Standing Orders shall be given to each member by the Clerk upon deliver to him or her of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

### **Data Protection**

128. The Council may appoint a data protection officer.

129. The Council shall have policies and procedures in place to respond to any individual exercising statutory rights concerning his personal data.

130. The Council will keep a record of all personal data breaches comprising the facts relating to a breach of personal data, its effect, and the remedial action taken.
131. The Council will have a written policy in place for responding to and managing a personal data breach.
132. The Council will ensure that information communicated in its privacy notice is in an accessible and available form and is kept up to date.
133. The Council shall maintain a written record of its processing activities.

## **Notes**



# Legal Briefing

L09-12 18 June 2012

## NALC's template code of conduct for parish councils (final version)

### Introduction

This Briefing updates L08-12 and it should be read in conjunction with Legal Topic Note (LTN) 80, last updated in June 2012. NALC's template code of conduct has been finalised and is attached.

NALC's template code of conduct incorporates a member's new mandatory obligations in the Localism Act 2011 ('the 2011 Act') concerning 'disclosable pecuniary interests' which come into force on 1 July 2012. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464). They are set out in Legal Briefing L10-12.

Important information (explained in detail in LTN 80 and Legal Briefing L10-12)

1. Transitional arrangements (confirmed in The Localism Act 2011 (Commencement Order No.6 and Transitional, Savings and Transitional Provisions Order 2012) SI 2012/1463 ('the 2012 Regulations'), brought into force on 7 June 2012, confirm :- [L]a parish council must adopt a new code of conduct to take effect on or after 1 July 2012. [SEP]the district/ unitary authority's Monitoring Officer may prepare a register of interests for members of parish councils in the principal authority's area to take effect on or after 1 July 2012.
2. The 2012 Regulations also confirm that on 1 July, a member of a parish council is at risk of prosecution for committing criminal offences in s.34 of the 2011 Act if:- [SEP]he/she participates or votes

on a matter being considered at a meeting in which he/she has a 'disclosable pecuniary interest' (s.31(4) of the 2011 Act) or [L] [SEP] written notification of such disclosable pecuniary interest has not already been given to the Monitoring Officer, and the member does not disclose the disclosable pecuniary interest to the meeting and does not provide written notification of the interest to the Monitoring Officer within 28 days of the meeting (31(2) and (3) of the 2011 Act) or [L] [SEP] he/she provides false or misleading information about the above (s.34(2) of the 2011 Act). [L] [SEP]

NALC advises parish councils to adopt a new code of conduct as soon as possible.

A member's mandatory obligations relating to prescribed disclosable pecuniary interests are incorporated in the NALC template code of conduct. If a parish council adopts the NALC template, its members and co-opted members are also required to register disclosable pecuniary interests within 28 days of adoption of the code.

NALC recommends that a parish council adopts a new code of conduct (which may or may not be based on the NALC template code of conduct) in June to take effect on 1 July 2012. This timetable, although relatively short, would assist a parish council and its members to satisfy their new obligations in the 2011 Act with relative ease.

If a parish council adopts a new code of conduct to take effect after 1 July 2012, it is NALC's view that the parish council's existing code of conduct based on the Local Authorities (Model Code of Conduct) Order 2007 SI 2007/1159, would continue to have effect. Accordingly, its members would remain subject to the requirements of their existing code (which includes obligations for the registration and disclosure of personal and prejudicial interests) until the parish council adopted a new code of conduct. Nevertheless, if a council has not adopted a new code by 1 July 2012, members of the parish council are still subject to the mandatory obligations in the 2011 Act, summarised above, in relation to disclosable pecuniary interests from 1 July 2012 .

## Useful reminders

The function of adopting, revising or replacing a code of conduct must be discharged by full council (s.28(13) of the 2011 Act). A parish council must publicise its adoption (and in future any revision or replacement) of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area (s. 28(12)).

Whilst members of a parish council may provide written notification of interests (including disclosable pecuniary interests) to the local Monitoring Officer, most Monitoring Officers are likely to prepare a standard register of interests form for members of parish councils to complete. Members of parish councils should liaise directly with the local Monitoring Officer about providing written notifications about their interests.

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/ Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

## Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, 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, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

## Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

## Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to

interests or new interests in Appendices A and B within 28 days of becoming aware of it.

8. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### Declaration of interests at meetings

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

SEP

13. Where a matter arises at a meeting which relates to a financial

interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

## Dispensations

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

## Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

\*'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.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a



member, 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 member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities\*) 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

Any beneficial interest in land which is within the area of the Council.

#### Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

#### Corporate tenancies

Any tenancy where (to the member's knowledge)—

- (a) the landlord is the Council; and
- (b) the tenant is a body in which the member, or his/her spouse
- (c) or civil partner/ the person with whom the member is living
- (d) as if they were spouses/civil partners has a beneficial interest.

#### Securities

Any beneficial interest in securities of a body where—

- (a) that body (to the member's knowledge) has a place of business
- (b) or land in the area of the Council; and
- (b) either—
  - (i) the total nominal value of the securities\* exceeds £25,000

or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion <sup>[1]</sup><sub>[SEP]</sub> or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.