

Chelveston-cum-Caldecott Parish Council
Northamptonshire

Standing Orders of the Chelveston-cum-Caldecott Parish Council

May 2007

Version 6.1

Adopted by Council under resolution 0706.12.3 on 14th May 2007.

The Parish Council's Standing Orders are the binding rules and guidelines that its members and Officers agree to abide by when carrying out the work of the Parish Council.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

Wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

SO means Standing Order(s) in the text.

Ref: O/2007/048/MHH

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1. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) Smoking is not permitted at any meeting of the Council.
- c) Meetings will normally start at 7:30 p.m. and be completed by 9:00 p.m. unless notified previously on the agenda that an extended meeting has been called.
- d) If the business of the Council has not been complete by 9:00 p.m. a vote will be taken to decide whether the meeting will continue to 9:30. No business will be conducted after 9:30 p.m.

2. The Statutory Annual 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 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 the 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 function or duties on the proper officer of the Council in the following cases, he shall be the clerk: -

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council.
- 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.

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7. 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.
8. For a quorum of a committee or sub-committee, refer to SO 48.

9. Voting

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

10. **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.**

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 a 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 the 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

At each Annual Parish Council Meeting the first business shall be:-

- 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 declarations of acceptance of office which have not been received as provided by law shall be received.**
- e) To elect a Vice-Chairman of the Council.
- f) To elect an Internal Financial Verifier (a member with additional responsibility for financial oversight on behalf of the other members).
- g) To appoint representatives to outside bodies.
- h) To appoint committees and sub-committees.
- i) To inspect any deeds and trust investments in the custody of the Council as required;

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and shall thereafter follow the order set out in the SO 15

13. **At every meeting other than the Annual Parish Council 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 (if any) 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.**
14. In every year, not later than the meeting at which the budget for the next year is settled, the Council shall review the pay and conditions of service of existing employees. SO 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 ground 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 consider Planning and Licensing applications and updates thereof.
 - g) To authorise financial transactions.
 - h) To receive and consider reports and minutes of committees and projects.
 - i) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - j) To answer questions from Councillors and to receive reports from Councillors.
16. Urgent Business

A motion to vary the order of business on the ground 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 business to which it relates has been put on the Agenda by the Clerk or the mover has given

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notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

18. The Clerk shall number and date every notice of resolution or recommendation when received by him and shall enter it in the incoming correspondence log.
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 have been received unless the member giving a notice of motion has stated in writing that he withdraws it.
20. 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.
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 the 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 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 exclude the press and public. (see SO 68)
- o) To silence or eject from the meeting a member named for misconduct. (see SO 33)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (see SO 79)
- 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. The answer may be deferred until the next meeting, unless three clear days notice of the question has been given to the person to whom it is addressed.

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

29. a) 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.
- b) A member when seconding a resolution or amendment need not give a speech but has the right to do so.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed ten minutes and no other speech shall exceed five minutes except by consent of the Council.
- 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 five minutes.
- j) A member may move an amendment or further amendment or move a 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.

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- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion.
- 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 leave the meeting.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.

30. A member shall remain seated when speaking unless requested to stand by the Chairman.

- 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) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

32. Closure

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 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 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.

33. Disorderly Conduct

- a) **All members must observe the Code of Conduct, which was adopted by the council on 14th May 2007, 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 broken the provisions of paragraph (b) of this Order, 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.**

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- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

34. Right of Reply

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.

35. Alteration of Resolution

A member may move amendments to his own resolution.

36. Rescission of Previous Resolution

- a) 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 three members of the Council, or by a 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

- a) Where more than one person has been nominated or has applied for any position to be filled by the Council, they shall be encouraged to provide a written statement as to why they should be so appointed. Such statements will be read out in full to the Council prior to any voting.
- b) 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 Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See SO 68).

39. Resolutions on Expenditure

Any resolution (which is moved otherwise than by recommendation of the Clerk) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any

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service which is under the management of the Council or reduce the Council's income or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and Clerk shall report on the financial aspect of the matters.

40. Expenditure

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

41. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Clerk and, where necessary, witnessed by two members.

42. Committees and Sub Committees

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; and
- c) may subject to the provisions of SO 36 above at any time dissolve or alter the membership of committee.
- d) The Council may delegate such powers and the decisions to any Committee or Sub-Committee as it considers appropriate, save where such delegation is not permitted by legislation.

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.

45. Special Meeting

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.

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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. 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.

49. The Standing Orders on rules of debate and on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

50. Advisory Committees

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council
- 4) 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 vote by show of hands, or, if at least two members so request, by signed 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, which has been referred to any committee of which he is not a member, may explain his 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 urgent or emergency payment before it has been authorised by the Council, such payment shall be authorised by the Clerk for payment in consultation with the Chairman, Vice-Chairman and Independent Financial Verifier 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 before the Council.

55. The Responsible Financial Officer, shall supply to each member as soon as practicable after 31st March in each year a Financial Statement prepared on the appropriate accounting basis (receipts and payments) for the year to 31st March. The Statement of Accounts of the

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Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September, or such other time as agreed with the external auditors.

56. Budgets / Precepts

- 1) The council shall approve written budgets for the coming financial year at its meeting before the end of the month of November.
- 2) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than October.

57. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 5th May 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. *Reserved for future use.*

60. The Clerk is required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of East Northamptonshire Council 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 a relationship to a member is disclosed, SO 57 and 58 shall apply as appropriate.

62. The Clerk shall make known the purpose of SO 61 to every candidate.

63. Canvassing of and Recommendations By Members

- 1) 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 sub-paragraph of this Standing Order to every candidate.
- 2) 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.

64. SO 61 and 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

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65. Inspection of Documents

A member may for the purpose of his 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.

66. **All minutes kept by the Council and by any committee shall be open for the inspection of any member 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:-

- 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.

68. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, **which may, however, temporarily exclude** the public by means of the following resolutions: -

“That 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 shall state the special reason for exclusion.

70. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, 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 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.

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 and may adjourn the meeting for such period as is necessary to restore order.

73. Confidential Business

- 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 the 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.

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74. Liaison with County and District Councillors

A Summons and Agenda for each meeting shall be sent to the District Councillors for appropriate Higham Ferrers ward.

75. Where the Council 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 Higham Ferrers division or to the District Councillors for the Higham Ferrers wards as appropriate.

76. Planning Applications

- 1) The Clerk shall date and number every application received and enter it in the incoming correspondence log.
- 2) The Clerk shall notify the receipt of every planning application to the Chairman and other Council members as soon as practicable.

77. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- 1) 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 at least annually;
 - d) the financial reporting requirements of members and local electors and
 - e) procurement policies including the setting of values for different procedures.
- 2) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the SO 61, 63 & 64 regarding improper activity.
- 3) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

78. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in accordance with the complaints procedure as adopted by the Council under resolution 0506.8 except for those complaints which should be properly directed to the Standards Board.

79. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed 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.

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81. Standing Orders to be Given to Members

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

82. Delegation and Emergency powers to the Clerk

The Council may delegate such powers and the decisions to the Clerk as it considers appropriate, save where such delegation is not permitted by legislation.

83. In an emergency, the Clerk, having consulted with the Chairman or Vice-Chairman (unless they are not reasonably contactable), may take such actions as are necessary until such time as the Council can meet. Actions under this Standing Order are to be reported to the Council at that meeting as a separate item of business. See SO 54 for financial actions.

84. E-Government

The Clerk will allocate unique meeting numbers to all meetings of the Council. The draft (until approved) minutes of the meeting will appear on the Council's web-site as soon as practical.

85. Members may choose to receive hardcopy or electronic versions of the draft minutes.

86. The Clerk will add policy documents to the Council's web-site within one month of their adoption.

87. The Clerk will make arrangements for the backing-up and safe storage of the Council's electronic documents and the safe storage and/or disposal of the hardcopy documents in accordance with national guidelines.

Adopted by Council under resolution 0706.12.3 on 14th May 2007.

Cllr Adrian Dale
Chairman of the Council

Mark Hunter
Clerk to the Council.

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Annex A – Code of Conduct

CHELVESTON-cum-CALDECOTT PARISH COUNCIL CODE OF CONDUCT

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 State¹.
- (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) *not applicable*
- (c) any of the authority's committees, sub-committees, joint committees, or joint sub-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—

¹ the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

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(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 2006²);

(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

² 2006 c.3.

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(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 1986³.

7. —*not applicable*.

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;

³ 1986 c.10.

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(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

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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) *not applicable*

(7) *not applicable*

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) *not applicable*

(ii) *not applicable*

(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. not applicable

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—

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(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) *not applicable*; 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 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.

Local Authorities (Model Code of Conduct) Order 2007 (S.I. No. 1159) for Parish Councils adopted under resolution 0706.12.1 and Para 12(2) of the above adopted under resolution 0706.12.2 on 14th May 2007.