

**Marston Parish Council**

# Standing Orders

# CONTENTS

Meetings	3
.....	3
The Statutory Annual Meeting	3
.....	3
Chairman of the Meeting	4
.....	4
Proper Officer	4
.....	4
Quorum of the Council	4
.....	4
Voting	4
.....	4
Order of Business	5
.....	5
Urgent Business	5
.....	5
Resolutions Moved On Notice	5
.....	5
Resolutions Moved Without Notice	6
.....	6
Questions	6
.....	6
Draft Minutes	7
.....	7
Rules of Debate	7
.....	7
Closure	8
.....	8
Disorderly Conduct	8
.....	8
Right of Reply	9
.....	9
Alteration of Resolution	9
.....	9
Rescission of Previous Resolution	9
.....	9
Voting On Appointments	9
.....	9
Discussions and Resolutions Affecting Employees of the Council	9
.....	9
Expenditure	0
.....	1
Handling Confidential or Sensitive Information	0
.....	1
Expenditure	0
.....	1
Sealing of Documents	1
.....	0
Committees and Sub Committees	1
.....	0
Special Meeting	1
.....	0
Reporting to Council	1
.....	1
Sub-Committees	1
.....	1
Advisory Committees	1
.....	1

	1
Voting in Committees .....	2
	1
Presence of Non-Members of Committees at Committee Meetings .....	2
	1
Accounts and Financial Statement .....	2
Estimates / Precepts	1
.....	2
Code of Conduct and Dispensations	1
.....	2
	1
Canvassing of and Recommendations by Members.....	3

Inspection of Documents	14
Unauthorised Activities	14
Admission of the Public and Press to Meetings	14
Confidential Business	15
Requests for Information	15
Liaison with Borough Councillors	15
Planning and Licensing Applications	15
Contracts	16
Code of Conduct Complaints	16
Variation, Revocation and Suspension of Standing Orders	17
Standing Orders to be given to Members	17
Annex A – Code of Conduct	17

Any reference in these orders to the feminine gender shall be taken to include the masculine and any reference to the masculine gender shall be taken to include the feminine.

## MEETINGS

1. Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.

### THE STATUTORY ANNUAL MEETING

2. **In an election year shall be held on or within 14 days following the day on which the councillors are elected take office**

3. **In a year which is not an election year shall be held on such day in May as the Council may direct.**
4. **In addition to the Statutory Annual Meeting at least three other meetings shall be held in each year.**

#### CHAIRMAN OF THE MEETING

5. **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

6. 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 Parish Clerk or nominated officer:
  - a) To receive declarations of acceptance of office.
  - b) To receive and record notices disclosing pecuniary and non-pecuniary interests.
  - c) To receive and retain plans and documents.
  - d) To sign notices or other documents on behalf of the Council.
  - e) To receive copies of bylaws made by a District Council.
  - f) To certify copies of bylaws made by the Council.
  - g) To sign summons to attend meetings of the Council.
  - h) To keep proper records for all Council meetings.

#### QUORUM OF THE COUNCIL

7. **Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum. (One third of membership is 3)**
8. If a quorum is not present or if during a meeting the number of councillors present falls below the required quorum (the quorum does not include those temporarily debarred by virtue of a pecuniary interest), 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.

#### VOTING

9. 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 may be made before or after the vote but in any event before moving on to the next business.**
11. **Subject to (a) and (b) 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.**
  - a) **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.**

- b) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

#### ORDER OF BUSINESS

**12. At each Annual Meeting the first business shall be:-**

- a) To elect a Chairman of the Council and receive their declaration of acceptance of office**
- b) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- c) To decide when any declarations of acceptance of office and written undertakings to comply with the Code of Conduct adopted by the Council which have not been received as provided by law shall be received.**
- d) To elect a Vice-Chairman of the Council and receive their declaration of acceptance of office**
- e) To appoint representatives to outside bodies.**
- f) To appoint committees and sub-committees.**

and shall thereafter refer to Standing Order 15

**13. At every meeting other than the Annual Meeting the first business shall be to appoint a chairman if the Chairman and Vice-Chairman are absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received, to decide when they shall be received.**

**14.** In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 41 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, if necessary, include the following:

- 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.**

#### URGENT BUSINESS

**16.**

- a) The chairman may, at their discretion, alter the order of business as specified on the agenda**
- b) A motion to vary the order of business on the grounds of urgency may be proposed by any member and after being seconded shall be put to the vote without discussion.**

#### RESOLUTIONS MOVED ON NOTICE

17. 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 (notice of motion) of its terms and has delivered the notice to the Clerk at least 5 clear days before the next meeting of the Council.
18. 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 intends to move at some later meeting or that he withdraws it.
19. 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.
20. 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.
21. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

#### RESOLUTIONS MOVED WITHOUT NOTICE

22. 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 public. (see Order 94 below)
  - o) To silence or eject from the meeting a member named for misconduct. (see order 36 below)
  - p) To give the consent of the Council where such consent is required by these Standing Orders.
  - q) To suspend any Standing Order. (see Order 114 below)
  - r) To adjourn the meeting.

#### QUESTIONS

23. A member may ask the Chairman or the Clerk any question concerning the business of the Council.
24. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
25. Every question shall be put and answered without discussion.
26. A person to whom a question has been put may decline to answer.

#### DRAFT MINUTES

27. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 22c
28. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
29. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

#### RULES OF DEBATE

30.
  - 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/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 may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
  - c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 5 minutes except by consent of the Council.
  - e) An amendment shall be either to:
    - i. leave out words.
    - ii. leave out words and insert others
    - iii. insert or add words.
  - f) An amendment shall not have to 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 5 minutes.
- j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k) A member may make a point of order or a personal explanation. A member stating verbally 'point of order' or 'personal explanation' shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m) When a resolution is under debate no other resolution shall be moved except the following:
  - i. To amend the resolution.
  - ii. To proceed to the next business.
  - iii. To adjourn the debate.
  - iv. That the question be now put.
  - v. That a member named be not further heard.
  - vi. That a member named do leave the meeting.
  - vii. That the resolution be referred to a committee.
  - viii. To exclude the public and press.
  - ix. To adjourn the meeting.

**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.
- c) If two or more members wish to speak, the Chairman shall call upon one of them to speak first, the others shall be called in turn.
- d) Whenever the Chairman invites a Member to speak during a debate all other members shall be seated and silent.

CLOSURE

- 32.** At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman/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.

DISORDERLY CONDUCT

**33. All members must behave in a manner required by the Code of Conduct which was adopted by the council on 7 July 2012.**

**34. 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. 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 in line with the code of conduct.**

**35. If either of the motions mentioned in paragraph 34 is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.**

#### RIGHT OF REPLY

**36. 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

**37. A member may, with the consent of the seconder; move amendments to his/her own resolution.**

#### RESCISSION OF PREVIOUS RESOLUTION

**38. 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 5 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.**

**39. When a special resolution or any other resolution moved under the provisions of paragraph 38 of this Order has been disposed of, no similar resolution may be moved within a further six months.**

#### VOTING ON APPOINTMENTS

**40. 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.**

- a) in the event there is no casting vote available then the matter shall be decided by the toss of a coin.

#### DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

**41. 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 public shall be excluded.**

## EXPENDITURE

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

## HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

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

## EXPENDITURE

- 45.** All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations

## SEALING OF DOCUMENTS

- 46.** A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 47.** Subject to standing order 52 above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign as witnesses.

## COMMITTEES AND SUB COMMITTEES

- 48.** The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, but subject to any statutory provision on 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 at any time dissolve or alter the membership of committee.
- 49.** 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 planned programme of meetings for the year. In the event that there is no casting vote available then the matter shall be decided by the toss of a coin

## SPECIAL MEETING

- 50.** The Chairman of a committee or the Chairman 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.

#### REPORTING TO COUNCIL

- 51.** Each committee will provide a summary report at each meeting of the council at the next practicable meeting of the council. The report will distinguish those matters decided by the committee under delegated powers from matters which form the subject of a recommendation to the council

#### SUB-COMMITTEES

- 52.** Every committee may appoint sub-committees for purposes to be specified by the committee.
- 53.** 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.
- 54.** 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, noting that the general rule under Standing Order 7 also applies.
- 55.** The Standing Orders on rules of debate (except those parts relating 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.
- 56.** Without prejudice to the powers of committees under standing order 52, the Council may direct a committee whether in its terms of reference or otherwise to establish a sub-committee for the purposes specified by the Council. For the avoidance of doubt, the power of the Council under this standing order to direct a committee to establish a sub-committee also applies to the establishment of Working Parties or Groups by committees.

#### ADVISORY COMMITTEES

- 57.** The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 58.** The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 59.** An advisory committee may make recommendations and give notice thereof to the Council
- 60.** An advisory committee may consist wholly of persons who are not members of the Council.

## VOTING IN COMMITTEES

61. Members of committees and sub-committees entitled to vote (see relevant terms of reference) shall by show of hands, or, if at least two members so request, by signed ballot.
62. **Chairman 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

63. A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his/her resolution to the committee but shall not vote.
  - a) Except as otherwise provided by the Terms of Reference of a committee, any member of the council may attend any committee or sub-committee of the council of which they are not a member. A member attending under this standing order may speak, but not vote. A resolution excluding the press and public from a meeting shall not apply to a member attending under this standing order.

## ACCOUNTS AND FINANCIAL STATEMENT

64. Except as provided in paragraph 65 of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council
65. 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 Clerk. Such payment shall be authorised by proper officer for payment with the approval of the Chairman or Vice-Chairman.
66. All payments ratified under paragraph 65 of this Standing Order shall be separately included in the next schedule of payments before the Council.
67. The Responsible Financial Officer shall supply to each member at the ordinary meeting next after the end of the Financial Year a Financial statement of receipts and payments for the Council.

## ESTIMATES / PRECEPTS

68. The council shall approve written estimates for the coming financial year at its meeting at the first meeting in January.
69. Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than the end of October.
70. Ordinarily in line with the terms of reference of committees, those committees with budget responsibilities will meet to produce a recommendation to Council as to their budget requirements by the end of October.

## CODE OF CONDUCT AND DISPENSATIONS

- 71. All councillors with voting rights shall observe the code of conduct adopted by the council**
- 72.** Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 73.** Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- 74. Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 75.** A decision as to whether to grant a dispensation shall be made by the Proper Officer in consultation with the Chairman and that decision is final. A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- 76.** Subject to standing orders 81 and 82 above, dispensations requests shall be considered by the Proper Officer in consultation with the Chairman before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 77. A dispensation may be granted in accordance with standing order 82 above if having regard to all relevant circumstances the following applies:**
- a. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - b. **granting the dispensation is in the interests of persons living in the council's area or**
  - c. **it is otherwise appropriate to grant a dispensation.**
- 78. The Clerk shall hold a copy of the Register of Member's Interests in accordance with instructions received from the Monitoring Officer of the Responsible Authority and/or as required by statute. The registers of Member's Interests will also be published on the Council website.**
- 79.** If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
- 80.** The Clerk shall make known the purport of this Standing Order to every candidate.

## CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 81.** 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.
- 82.** 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.
- 83.** Standing Orders 79, 81 & 82 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## INSPECTION OF DOCUMENTS

- 84.** 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.
- 85.**
- a) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
  - b) The minutes of the Council and its committees shall be open to inspection by any local government elector of the parish without charge.

## UNAUTHORISED ACTIVITIES

- 86.** 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

- 87.** **The public 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 public be temporarily excluded and they are instructed to withdraw”*

88. The Council shall state the special reason for exclusion.
89. At all meetings of the Council the Chairman may at his 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.
90. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
91. 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.

## CONFIDENTIAL BUSINESS

92. 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.
93. Any member in breach of the provisions of paragraph 92 of this Standing Order shall be removed from any committee or sub-committee of the Council.

## REQUESTS FOR INFORMATION

94. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and Data Protection Act 1998.
95. Correspondence from, and notices served by the Information Commissioner shall be referred by dealt with by the Proper Officer.

## LIAISON WITH BOROUGH COUNCILLORS

96. A notice of meeting shall be sent together with an invitation to attend to the Borough Councillor for the appropriate ward.
97. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Borough Council shall be transmitted to the Borough Councillor for the division.

## PLANNING AND LICENSING APPLICATIONS



- 98.** The Clerk shall, as soon as it is received, enter in a spreadsheet the particulars of every planning or licensing application notified to the Council.
- 99.** The clerk shall refer applications to the next meeting of the Council, unless the deadline for comments falls before the next scheduled meeting date. Should the deadline fall before the next meeting date members will be informed of the application and a section of the website shall be created to allow them to comment. The chairman and clerk shall summarise comments for submission which shall be reported to the next meeting of the Council.
- 100.** Any member may require the Clerk to refer an application which is to be commented on outside of a meeting, to be referred to a meeting called for that purpose.

## CONTRACTS

- 101.** Every contract shall comply with the financial regulations, and no exceptions shall be made other than in an emergency provided that these regulations shall not apply to contracts which relate to items (a) to (f) below:
- a) for the supply of gas, electricity, water, sewerage and telephone services.
  - b) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
  - c) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
  - d) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - e) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice-Chairman of Council);
  - f) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

## CODE OF CONDUCT COMPLAINTS

- 102.** Upon notification by Cheshire East Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing orders 43 and 44 above, report this to the council.
- 103.** Where the notification in standing order 102 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 110 below.
- 104.** The council may:
- i. provide information or evidence where such disclosure is necessary to progress an

- investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

**105. Upon notification by the Cheshire East Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office**

## VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

**106.** 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.

**107.** 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.

## STANDING ORDERS TO BE GIVEN TO MEMBERS

**108.** 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 comply with the Code of Conduct adopted by the Council and at other times when the Standing Orders are amended.

**109.** These standing orders and in particular the Terms of Reference of Committees shall be reviewed annually at the ordinary meeting of the council next before the Annual Meeting

**These Standing Orders were adopted by the Council on: xx**

Annex A – Code of Conduct

## ANNEX A – CODE OF CONDUCT

### Code of Conduct for Members 2012

Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

## **A - General obligations**

Whenever you are acting as a member or co-opted member of this authority you must act in accordance with the following obligations:

### *Selflessness*

- 1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

### *Integrity*

- 2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

### *Objectivity*

- 3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

### *Accountability*

- 4 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

### *Openness*

- 5 (a) You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted. ( see footnote)

### *Honesty*

6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

(b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

#### *Respect for others*

7 (a) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.

(b) You must not do anything which may cause your authority to breach any equality laws.

(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.

(d) You must not bully any person, including other councillors, officers of the authority or members of the public. (see footnote)

#### *Leadership*

8 You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

#### *Gifts and Hospitality*

9 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

### **Notes**

"Confidential Information" should not be disclosed except in limited circumstances, for example:

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made on a confidential basis to a third party in order to obtain professional advice
- You have satisfied yourself that the disclosure is in the public interest



“Bullying” may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes “cyber bullying”. It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

## **B- Registering and Declaring Pecuniary and Non-Pecuniary Interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority’s monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority’s monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority’s register, then you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a ‘sensitive interest’\*.

Following any disclosure of an interest not on the authority’s register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

\*A ‘sensitive interest’ is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority’s monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Member

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>1</sup>.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

**NB Under the Councils Standing Orders any Member who declares a Disclosable Pecuniary Interest in an item of Business should withdraw from the room at the appropriate juncture.**

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<sup>(1)</sup> 1992 c. 52.