

# Waltham Parish Council Standing Orders

Adopted 5<sup>th</sup> May 2009

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

Smoking is not permitted at any meeting of the Council. Persons are able to record Parish Council meetings however must follow the protocol advised by the Chairman at the beginning of the meeting.

## 1. 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.
- (b) In a year, which is not an election year, the Annual Parish Council Meeting shall be on the usual Tuesday meeting day in May.
- (c) 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 such places as the Council may direct.

## 2. 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.

## 3. Meeting Quorum requirements.

- (a) Five members shall constitute a quorum at meetings of the Council.  
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 another day as the Chairman may fix.
- (b) The quorum for each committee shall be set at the Annual Parish Council meeting.

## 4. Voting.

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

- (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/she 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 for the new Council.
- (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for chairman for that new Council.

## 5. At each Annual General 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 and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.**
- e. To deal with the business expressly required by statute to be done.
- f. **At every meeting other than the Annual 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) as are required by Law to be made, or if not then received to decide when they shall be received**
- g. **After consideration to approve the signature of the minutes by the presiding Chairman as a correct record.**
- h. To elect a Vice-Chairman of the Council.
- i. To appoint committees and sub committees.
- j. To appoint representatives to outside bodies.
- k. To consider payment of any annual subscriptions falling to be paid annually.
- l. To inspect any deeds and trust investments in the custody of the Council as required.
- m. In every year, not later than the meeting at which the estimated for next year are settled, the Council shall review the pay and conditions of service of existing employees.
- n. After the first business has been completed. The order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows: -
  - a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - b) To dispose of business, if any, remaining from the last meeting.
  - c) To receive such communications as the person presiding may wish to lay before the Council.
  - d) To answer questions from Councillors.
  - e) To receive and consider reports and minutes of committees.
  - f) To receive and consider resolutions or recommendations in the order in which they have been notified.
  - g) To authorise the sealing of documents.
  - h) If necessary, to authorise the signing of orders for payment.

#### 6. 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 eight (8) members of the council or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) 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.

#### 7. The Clerk is appointed as Parish Council Responsible Financial Officer (RFO) The Clerk / Burial Board Clerk are the issuers of payments. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

#### 8. Role of the 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/Deputy Clerk.

- (a) To receive declaration of acceptance of office.
- (b) To receive and record notices disclosing interests at meetings.
- (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 the Council.
- (f) To certify copies of bylaws made by the Council.
- (g) To sign and issue the summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings.

9. The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a prejudicial interest in a contract and attendance of Councillors at full council meetings.

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

#### **11. Interests (ENGLAND)**

- (a) **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 1<sup>ST</sup> April 2015 then he shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- (b) **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.**
- (c) **The Clerk is required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the responsible Authority and /or as required by statute.**
- (d) 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 is disclosed this Standing Order shall apply.
- (e) The Clerk shall make known the purpose of this Standing Order to every candidate.

#### 12. Burial Board.

Any member of Waltham Parish Council can attend meetings but cannot vote unless appointed to the board by a meeting of the Council.

The Burial Board Clerk will produce minutes for submission to the Council. The public and the press shall be admitted to all meetings of the Burial Board.

Members of the Public are not allowed to speak unless invited to do so by the Chairman.

#### 13. Sub committees

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

- (a) 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.
- (b) 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.

- (c) The Standing Order on rules of debate (except those parts relating to standing and 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.

14. Advisory Committees

- 1) The Council may create advisory committees, whose name, and numbers 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 members of the Council.

15. Voting in Committees

Members of Committee and sub-committee entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

**Chairmen of Committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

16. Presence of Non-Members of Committee 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.

**17. The public shall be admitted to all meetings of the Council and its committees and sub-committees** which may however temporarily exclude the press and public in view of the confidential nature of the business to be discussed.

18. 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.

19. A notice of meeting shall be sent together with an invitation to attend to the Ward Councillors.

20. Each meeting of the Council, a Committee or sub committee shall close not later than 10 o'clock, in the evening. An exception to this rule can be proposed to suspend the meeting by agreement of the council in order to complete the agenda.

21. Members of the public

The Chairman may allow any member of the public to address the meeting in relation to the business to be transacted at that meeting.

22. If a member of the Public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order. If order cannot be restored the Chairman will close the meeting. If the Chairman of the meeting stands all Members must be quiet.

23. The Parish Council adopts the flow sheet devised by North East Lincolnshire Council on Members Interest.

- (a) If a member who has declared a personal interest then considers the interest to be prejudicial, he / she is allowed to make a statement then they must withdraw from the room during consideration of the item to which the interest relates.

- (b) The Clerk is required to compile a Register of Member's interests, to hold a copy thereof, the originals to be sent to the Monitoring Officer of the Responsible Authority.
- (c) Councillor's register of interests must be made available for viewing by interested parties at an appropriate time and date as agreed.

24. Parish Councillors should declare an interest if they have any personal involvement with the subject matter to be discussed as per the recommendations of the above.

25. Questions.

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council provided seven (7) working days notice of the question has been given for it to be included on the agenda.

26. The Chairman will lead on a variation of the meeting agenda; a full council decision is required by a show of hands.

27. Right of Reply.

The mover of a resolution shall have a right of reply immediately before the resolution is put to 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. The mover of a resolution shall be able to withdraw it before any vote is taken.

28. Planning applications.

On receipt of 5 or more planning applications the Clerk would inform the Chairman. An extra meeting would be arranged.

29. Employee terms and conditions of employment review to be conducted annually.

30. Waltham Parish Council Standing Orders to be reviewed by each new Council every four (4) years.

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

32. 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.

33. 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 notice in writing of its terms and has delivered the notice to the Clerk at least seven (7) clear days before the next meeting of the Council.

The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to inspection of every member of the Council.

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.

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.

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 shall 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.

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

#### 34. Resolutions Moved Without Notice

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

1. To appoint a Chairman of the meeting
2. To correct the minutes
3. To approve the minutes
4. To alter the order of business
5. To proceed to the next business
6. To close or adjourn the debate
7. To refer a matter to committee
8. To appoint a committee or any members thereof
9. To adopt a report
10. To authorise the sealing of documents
11. To amend a motion
12. To give leave to withdraw a resolution or amendment
13. To extend the time limit for speeches
14. To exclude the press or public
15. To silence or eject from the meeting a member named for misconduct
16. To give the consent of the Council where such consent is required by these Standing Orders
17. To suspend any Standing Order
18. To adjourn the meeting.

#### 35. Rules of Debate

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

#### 36. 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.

### 37. Disorderly Conduct

1. **All members must observe the code of conduct, which was adopted by the Council on 1<sup>st</sup> April 2015 a copy of which is annexed to these Standing Orders.**
2. 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.**
3. If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct may report the breach to the Standards Board.
4. If the motion mentioned in paragraph (3) is disobeyed, the Chairman may adjourn the meeting or take such steps as may reasonably be necessary to enforce them.

### 38. Alteration of Resolution

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

### 39. Voting on Appointments

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

### 40. 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.

### 41. Resolutions on Expenditure

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

### 42. Sealing of Documents

1. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
2. Any two members of the Council named in a resolution moved under the provisions of paragraph (1) of this order may seal, on behalf of the Council, any document required by law to be issued under seal.

### 43. Special Meetings

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.

#### 44. Committees

The Council may at its Annual Parish Council 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:

1. Shall not appoint any member of a committee so as to hold office later than the next annual meeting
2. May appoint persons other than members of the Council to any committee.
3. May subject to the provisions of order 2 above at any time dissolve or alter the membership of committee.
4. The Chairman and Vice Chairman ex officio shall be voting members of every committee.
5. 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. Accounts and Financial Statement

1. Except as provided in paragraph (2 below) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
2. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the Clerk if different. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with approval of the Chairman or Vice Chairman of the Council.
3. All payments ratified under sub paragraph (2 above) of this Standing Order shall be separately included in the next schedule of payments before the Council.
4. The Responsible Financial Officer shall supply to each member as soon as practicable after 31<sup>st</sup> March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

#### 46. Estimates / Precepts

1. The Council shall approve written estimates 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 end of October.

#### 47. 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 purpose of this sub paragraph of this Standing Order to every candidate.
2. A member of the Council or 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.

#### 48. 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:

1. Inspect any lands or premises which the Council has a right or duty to inspect, or
2. Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub committee.

#### 49. 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 (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.
2. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£50,000] shall be procured on the basis of a formal tender as summarised in (3) below.
3. Any formal tender process shall comprise the following steps:
  - a. A public notice of intention to place a contract to be placed in a local newspaper.
  - b. A specification of the goods, materials, services and the execution of works shall be drawn up.
  - c. Tenders are to be sent in a sealed marked envelope, to the Clerk by a stated date and time.
  - d. Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council.
  - e. Tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
4. The Council or a committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders regarding improper activity.
5. The Financial Regulation of the Council shall be subject to regular review, at least once every four years.

#### 50. 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 such manner as adopted by the Council except for those complaints, which should be properly directed to the Standards Board.

51. 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.

52. Waltham Parish Council has a web site, the address is [www.walthamparishcouncil.org.uk](http://www.walthamparishcouncil.org.uk). The website is managed by the Parish Council and Mrs Lesley Leach is the webmaster.

## Annex 1.

# **WALTHAM PARISH COUNCIL CODE OF CONDUCT**

## 1. INTRODUCTION

1.1 This Code of Conduct ('Code') has been adopted by North East Lincolnshire Council ('Authority') as required by section 27 of the Localism Act 2011 ('Act').

1.2 The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by its Members.

1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following "Nolan" principles:

### Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### Leadership

Holders of public office should promote and support these principles by leadership and example.

## 2. WHO DOES THIS CODE APPLY TO AND WHEN DOES IT APPLY?

2.1 This Code applies to all Members of the Authority and to all co-opted Members of any committee, sub-committee or joint committee of the Authority.

2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Authority or co-opted Member in the conduct of the Authority's business, or acting as a representative of the Authority, or otherwise purporting to act as a Member, including -

2.2.1 at meetings of the Authority, its Committees and Sub-Committees, its Cabinet and Cabinet Committees

2.2.2 when acting as a representative of the Authority

2.2.3 in discharging their functions as a ward Councillor or as a member of the Cabinet

2.2.4 at briefing meetings with officers

2.2.5 at site visits

2.3 This code does not seek to regulate what Members do in their purely private and personal lives.

2.4 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural rules and all related codes and protocols of the Council, set out in the Council's Constitution including, but not limited to:

- the protocol on Member / Officer relations
- the Members Planning Code of Good Practice

2.5 Any allegation received by the Authority that a Member has failed to comply with this Code will be dealt with under the Arrangements which the Authority has adopted for such purposes.

Public Duties of Members

3. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.

4. Members have an overriding duty to act in the interests of the Council area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

Expectations of Conduct

5. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

6. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.

7. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its Members or officers generally, into disrepute.

8. WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Council and Members are informed that you:

(1) Do treat others with respect and courtesy.

(2) Do not -

(a) do anything which may cause your Council to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(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 Council'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 Council.

(3) Do 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

Do be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Council or any activity to be performed by or on behalf of the Council or others should be performed improperly.

(4) Do not 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 -

- a) you have the consent of a person authorised to give it;
- b) you are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is—

- i. reasonable and in the public interest; and

- ii. made in good faith and in compliance with the reasonable requirements of the Council

(5) Do not prevent another person from gaining access to information to which that person is entitled by law.

(6) Do not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

Members shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:

(7) Do act in accordance with the Council's reasonable requirements including the requirements of the Council's IT and information

security policies and the protocols referred to in this Code which you are deemed to have read ;

(8) Do act in accordance with the Council's procedural (and any relevant legal and constitutional) requirements regarding the use of and application for ward funding (or any equivalent schemes prevailing from time to time)

(9) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and

(10) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(11) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.

Members shall observe the following rules when making decisions on behalf of or as part of the Council, and Members are informed that you:

(12) Do have regard to any relevant advice provided to you by the Council's Monitoring Officer and Section 151 (Chief Finance) Officer where such advice is offered pursuant to his or her statutory duties.

(13) Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## 9. DISCLOSABLE PECUNIARY INTERESTS ('DPI')

9.1 You have a Disclosable Pecuniary Interest (DPI) in any business of the Authority if that interest falls under any of the descriptions at Appendix 1 of this Code.

### Disclosure Requirement

9.2 You must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify the Authority's Monitoring Officer of any DPI as defined in Regulations made by the Secretary of State and set out in Appendix 1 of this Code, where the DPI is yours or your partner's (which means spouse or civil partner, a person with whom you are living with as husband or wife or a person with whom you are living with as civil partners). You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPI's.

9.3 You must make verbal declaration of the existence and nature of any DPI at any meeting of the Authority at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest" (see paragraph 9.5), you need only declare the existence of the DPI but not the detail.

9.4 If you are present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, and you have a DPI in any matter to be considered or being considered at the meeting, unless a dispensation has been granted,

9.4.1 you must not participate in any discussion of the matter at the meeting.

- 9.4.2 you must not participate in any vote taken on the matter at the meeting.
- 9.4.3 you must withdraw from the chamber whilst the matter is being discussed and voted on.
- 9.4.4 if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

#### Sensitive Interest

9.5 Where you consider that disclosure of the details of a DPI could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a DPI, the details of which are withheld under Section 32(2) of the Act.

### 10. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

10.1 A Member commits a criminal offence if, without reasonable excuse, s/he -

- 10.1.1 fails to notify the Monitoring Officer of any DPI within 28 days of election;
  - 10.1.2 fails to disclose a DPI at a meeting if it is not on the register;
  - 10.1.3 fails to notify the Monitoring Officer within 28 days of a DPI that is not on the register that you have disclosed to a meeting;
  - 10.1.4 participates in any discussion or vote on a matter in which you have a DPI (including taking a decision as a Cabinet Member acting alone);
  - 10.1.5 as a Cabinet Member discharging a function acting alone, and having a DPI in such a matter, fails to notify the Monitoring Officer within 28 days of the interest; and
  - 10.1.6 knowingly or recklessly provides information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such an interest to a meeting
- 10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for a maximum of 5 years.

### 11. PERSONAL INTERESTS

11.1 You have a personal interest in any business of the Authority where either it relates to or is likely to affect -

11.1.1 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 the Authority;

11.1.2 any body -

exercising functions of a public nature;

directed to charitable purposes; or

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.

11.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

11.2 You have a personal interest in any business of the Authority where 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 other council tax payers, ratepayers or inhabitants of your ward, as the case may be, affected by the decision, or relates to or is likely to affect any interests you have registered as a DPI.

11.3 A relevant person is -

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

11.3.2 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;

11.3.3 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

11.3.4 any body of a type described in sub-paragraph 11.1.1 and 11.1.2.

#### Disclosure Requirement

11.4 If you have a personal interest as defined in paragraph 11.1, you must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify the

Authority's Monitoring Officer in writing of such interest. You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your personal interests defined in paragraphs 11.1.

11.5 Subject to paragraph 11.6, you must make a verbal declaration of the existence and nature of any personal interest you have under this paragraph, at any meeting of the Authority at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest", you need only declare the existence of the interest but not the detail.

11.6 Where you have a personal interest in any business of the Authority which relates to or is likely to affect a body defined in paragraphs 11.1.1 and 11.1.2 you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

11.7 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

11.8 Where you have a personal interest in any business of the Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## 12. PREJUDICIAL INTERESTS

12.1 Where you have a personal interest in any business of the 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 (unless the matter falls within one of the exempt categories detailed in paragraph 13) and where that business -

12.1.1 affects your financial position or the financial position of a person or body described in paragraph 11.3

12.1.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 11.3.

### Disclosure Requirement

12.2 Subject to paragraph 12.3, where you have a prejudicial interest in any business of the Authority, you must make verbal declaration of the existence and nature of such interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and, unless a dispensation has been granted, -

12.2.1 you must not participate in any discussion of the matter at the meeting.

12.2.2 you must not participate in any vote taken on the matter at the meeting.

12.2.3 you must, unless paragraph 12.3 applies, withdraw from the chamber whilst the matter is being discussed and voted on.

12.3 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 and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

12.4 Where, as a Cabinet member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## 13. EXEMPT CATEGORIES

13.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Authority in respect of -

13.1.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;

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

13.1.3 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;

13.1.4 an allowance, payment or indemnity given to Members;

13.1.5 any ceremonial honour given to Members; and

13.1.6 setting council tax or a precept under the Local Government Finance Act 1992.

#### 14. SCRUTINY COMMITTEES (aka SCRUTINY PANELS)

14.1 In any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where –

14.1.1 That business relates to a decision made (whether implemented or not) or action taken by an executive or another of the Authority's committees, sub committees, joint committees or joint sub-committees; and

14.1.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 14.1.1 and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

#### 15. REGISTER OF INTERESTS

15.1 Any interests notified to the Monitoring Officer will be included in the register of members' interests. A copy of this register will be available for public inspection and will be published on the Authority's web site.

15.2 For the purposes of this Code a DPI is the subject of a 'pending notification' where it has been notified to the Authority's Monitoring Officer but has not yet been entered in the register of interests in consequence of that notification.

#### APPENDIX 1

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest

Description

Employment, office, trade, profession or vocation

Sponsorship

Contracts

Any employment, office, trade, profession or vocation carried on for profit or gain.

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.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

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 -

(a) Under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land

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

Licences

Corporate tenancies

Securities

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

Any tenancy where (to M's knowledge) -

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Any beneficial interest in securities of a body where -

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either -

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

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

These descriptions on interests are subject to the following definitions;

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

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