

SHERFIELD-ON-LODDON

PARISH COUNCIL



STANDING ORDERS

**INCORPORATING THE LOCAL AUTHORITIES (MODEL CODE OF
CONDUCT) ORDER 2007**

SHERFIELD-ON-LODDON PARISH COUNCIL

STANDING ORDERS

MEETINGS

1. Meetings of the PARISH COUNCIL shall be held at SHERFIELD VILLAGE HALL commencing at 1930 unless the Council decides otherwise at a previous meeting.

THE STATUTORY ANNUAL MEETING

2.
 - a. **in an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office, and**
 - b. **in a year which is not an election year, shall be held on such day in May as the Council may direct.**
3. **The three other statutory meetings shall be held on the second Wednesday in the months of July, November and March.**
4. Eight additional meetings shall be held on the second Wednesday in the months of January, February, April, June, August, September, October and December.
5. If a member fails to attend three consecutive meetings without good reason, the member will automatically cease to be a Parish Councillor.

CHAIRMAN OF THE MEETING

6. **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

7. Where a Statute, Regulation or Order confers functions or duties on the proper officer of the Council in the following cases, this shall be the Clerk:

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

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- a. to receive declarations of acceptance of office;
- b. to receive and record notices disclosing personal/prejudicial 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 another local authority;
- 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.

QUORUM OF THE COUNCIL

- 8. Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
9. If a quorum is not present or if, during a meeting, the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
10. A motion to suspend Standing Orders shall not be moved without written notice signed by as many members as constitute the Quorum.
11. For a quorum relating to a committee or sub-committee, please refer to Standing Order 52.

VOTING

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

13. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
14. (i) **Subject to (ii) and (iii) 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.**
- (ii) **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.**
- (iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

(In an Election year, Councillors will execute declarations of acceptance of office in each others presence, or in the presence of a Proper Officer, previously authorised by the Council to take such a declaration, before the Annual Meeting commences.)

15. **At each Annual Meeting the first business shall be:**
- a. **To a elect a Chairman of the Council;**
- b. **To receive Chairman’s declaration of acceptance of office or, if not then received, to decide when it shall be received;**
- c. **In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations;**
- d. **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received;**

others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001[17];

the Parish Councils (Model Code of Conduct) Order 2001[18];

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[19]; and

the Police Authorities (Model Code of Conduct) Order 2001[20].

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the **Schedule to the Order**—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent

- e. To elect a Vice-Chairman of the Council;
- f. To appoint School Governors, if appropriate;
- g. To appoint Statutory or Standing Committees, as required;
- h. To consider the payment of any subscriptions falling to be paid annually;
- i. To inspect any deeds and trust investments in the custody of the Council;

and shall thereafter follow the order set out in Standing Order 18.

- 16. At every meeting, other than the Annual Parish Council Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by Law to be made or, if not then received, to decide when they shall be received.**

Tenure of Office of Chairman and Vice Chairman:

The maximum period of continuous tenure of office of the Chairman and Vice Chairman is four years for each office after which a break of office of twelve months will be required. A Vice chairman may at the end of four years of service be appointed as Chairman. At the end of a four year period of office as Chairman that officer may not be appointed as Vice Chairman for a period of twelve months.

The above recommendation notwithstanding section 15(1) of the Local Government Act 1972 which provides for the election of the Chairman annually.

17. At every October meeting, the first business shall include consideration of the question whether pay and conditions of service of existing employees of the Council shall be reviewed. (See Standing Order 42.)
18. 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 a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
- b. After consideration, to approve the signature of the Minutes by the person presiding as a correct record;**
- c. To deal with business expressly required by Statute to be done;**
- d. To dispose of business, if any, remaining from the last meeting;
- e. To receive such communications as the person presiding may wish to lay before the Council;
- f. To answer questions from Councillors;
- g. To receive and consider reports and minutes of committees;
- h. To receive and consider reports from members of the Council;
- i. To authorise the sealing of documents;
- j. If necessary, to authorise the signing of orders for payment;
- k. To consider resolutions or recommendations in the order in which they have been notified;
- l. Any other business specified in the Summons.

URGENT BUSINESS

- 19. A motion to vary the order of business on the grounds of urgency:
 - a. may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - b. shall be put to the vote without discussion.

officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

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

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

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

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

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

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

Part 3

Registration of Members' Interests

Registration of members' interests

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

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

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

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

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

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring

RESOLUTIONS MOVED ON NOTICE

20. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least five clear days, not later than Sunday, in the week before the next meeting of the Council.
21. The Clerk shall date every notice of resolution or recommendation when received, and store it in an appropriate file.
22. 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.
23. If a resolution or recommendation specified in the summons is not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
24. If the subject 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.
25. 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

26. 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 the 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.

(The following two resolutions are governed by the Standing Order on the admission of public to meetings:)

- n. To exclude the press;
- o. To exclude the public.

(The next resolution is governed by the Standing Order on Disorderly Conduct:)

- p. To silence or eject from the meeting a member named for misconduct.

(The next resolution is governed by the Standing Order on Members interested in contracts and other matters:)

- q. To invite a member having an interest in the subject matter under debate to remain;
- r. To give the consent of the Council where such consent is required by these Standing Orders;

Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

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

(v) any ceremonial honour given to members; and

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

Prejudicial interests arising in relation to overview and scrutiny committees

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

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

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

Effect of prejudicial interests on participation

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

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

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

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

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

register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

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

Prejudicial interest generally

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

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

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

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

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

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

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

(iii) statutory sick pay under Part XI of the Social Security Contributions and

s. To suspend any Standing Order. (See Standing Order 83.)

QUESTIONS

27. A member may ask the Chairman, or Clerk, any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
28. A member, with or without notice, may ask the Chairman of a committee any question upon the proceedings of the committee during that committee Chairman's report only.
29. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
30. Every question shall be put and answered, without discussion.
31. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

32. No discussion of the Minutes shall take place, except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
33.
 - a. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
 - b. A member, when seconding a resolution or amendment, 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 three minutes, except by consent of the Council. No other speech shall exceed three minutes.
- e. An amendment shall be either:
 - (i) To leave out words;
 - (ii) To leave out words and insert or add others;
 - (iii) To insert or add words.
- f. An amendment shall not have the effect of negating the motion 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 three 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 rise to make a point of order or personal explanation. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- 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.

decision; or

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

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

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

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

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

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

Disclosure of personal interests

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

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

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

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

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the

- m. When a resolution is under debate, no other resolutions shall be moved except the following:
 - (i) To amend the resolution;
 - (ii) To proceed to the next business;
 - (iii) To adjourn the debate;
 - (iv) That the question be now put;
 - (v) That a member named be not further heard;
 - (vi) That a member named leave the meeting;
 - (vii) That the resolution be referred to a committee;
 - (viii) To exclude the public or the press or both;
 - (ix) To adjourn the meeting.
- 34. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 35. 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 and the other shall remain silent.
 - d. Whenever the Chairman rises during a debate, all other members shall be seated and silent.

CLOSURE

- 36. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been

sufficiently debated (but not otherwise), 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

37. a. **All members must observe the Code of Conduct which was adopted by the Council on 13 June 2007, a copy of which is annexed to these Standing Orders.**
- b. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- c. If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board.**
- d. If either of the motions mentioned in paragraph c. is disobeyed, the Chairman may adjourn the meeting to take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

38. 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 the 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.

any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

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

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

Part 2

Interests

Personal interests

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

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

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

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

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

- 40. a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice thereof bears the names of at least six members of the Council.
- b. When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- c. This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendations of a committee.

VOTING ON APPOINTMENTS

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

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 42. 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 has decided whether or not the public and press shall be excluded. (See Standing Order 72.)

RESOLUTIONS ON EXPENDITURE

- 43. 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 the management of the Council, or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon. The Finance Committee shall report on the financial aspect of the matter.

EXPENDITURE

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

SEALING OF DOCUMENTS

45. a. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b. Any two members of the Council named in a resolution moved under the provisions of paragraph a. of this Order may seal, on behalf of the Council, any document required by Law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

46. The Council may at the Annual Meeting, appoint standing committees and may at any other time appoint such committees as are necessary, but subject to any statutory provision in that behalf:
- a. shall not appoint any member of a committee so as to hold office later than the next Annual Meeting;
- b. may appoint persons other than members of the Council to any committee;
- c. may at any time dissolve or alter the membership of a committee, subject to provisions on Order 40 above.
47. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.

authority, comply with that other authority's code of conduct; or

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

General obligations

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

(2) You must not—

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

(b) bully any person;

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

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

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

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

4. You must not—

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

committees, joint sub-committees, or area committees;

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

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

Scope

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

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

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

and references to your official capacity are construed accordingly.

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

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

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

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

(a) on another relevant authority, you must, when acting for that other

48. 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.

SPECIAL MEETING

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

SUB-COMMITTEES

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

51. The Chairman and the 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.

52. Except when 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.

53. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

ADVISORY COMMITTEES

54. a. There may be Advisory Committees, whose name and number of members and the bodies to be invited to nominate members, shall be determined by Council after due notice of proposal.

b. The Clerk shall inform members of each Advisory Committee of the terms of reference of the committee.

- c. An Advisory Committee may make recommendations and give notice thereof to the Council.
- d. An Advisory Committee may consist wholly of persons who are not members of the Council.

VOTING IN COMMITTEES

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

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

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

57. 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.

ACCOUNTS AND FINANCIAL STATEMENT

- 58. a. Except as provided in paragraph b. of this Standing Order or by Statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - b. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
 - c. All payments ratified under sub-paragraph b. of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before the Council.
59. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year, a statement of the receipts and

1972[12] shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State Department for Communities and Local Government

2nd April 2007

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

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

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

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

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

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

Act 1999[7].

Revocation and savings

4. —(1) Subject to paragraphs (2) and (3), the following orders are revoked—

(a) the Local Authorities (Model Code of Conduct) (England) Order 2001[8];

(b) the Parish Councils (Model Code of Conduct) Order 2001[9];

(c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[10]; and

(d) the Police Authorities (Model Code of Conduct) Order 2001[11].

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with —

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act

payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

ESTIMATES / PRECEPTS

60. The Council shall approve written estimates for the coming year in the month of October.
61. Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31 August.

INTERESTS

62. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 13 June 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
63. **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. (Paragraph 12 (2) of the Code is not adopted.)**
64. **The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by Statute.**
65. If a candidate for any appointment 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, Standing Orders 62 and 63 shall apply.

66. The Clerk shall make known the purpose of Standing Order 65 to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

67. a. 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.
- b. 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.
68. Standing Order Nos. 65 and 67 shall apply to tenders as if the person making the tenders were a candidate for an appointment.

INSPECTION OF DOCUMENTS

69. 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.
70. **All minutes kept by the Council and by any committee or sub-committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

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

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

(a) in paragraph 1(4), in the definition of "meeting"—

(i) sub-paragraph (b);

(ii) in sub-paragraph (c), the words "or its executive's" and ", or area committees";

(b) paragraphs 9(6), 9(7) and 12(1)(b);

(c) in paragraph 11(a), the words "your authority's executive or"

(d) in paragraph 11(b), the word "executive,"; and

(e) in paragraph 12(2), the words in brackets.

Disapplication of certain statutory provisions

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

(a) sections 94 to 98 and 105 to the Local Government Act 1972[3];

(b) section 30(3A) of the Local Government Act 1974[4];

(c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989[5];

(d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995[6]; and

(e) any guidance issued under section 66 of the Greater London Authority

- (ii) a district council;
- (iii) a London borough council;
- (iv) a parish council;
- (v) the Greater London Authority;
- (vi) the Metropolitan Police Authority;
- (vii) the London Fire and Emergency Planning Authority;
- (viii) the Common Council of the City of London;
- (ix) the Council of the Isles of Scilly;
- (x) a fire and rescue authority;
- (xi) a joint authority;
- (xii) the Broads Authority; and
- (xiii) a National Park authority,

and in this Order references to "authority" are construed accordingly.

Model Code of Conduct

2. —(1) The code set out in the Schedule to this Order ("the Code") has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

- a. inspect any lands or premises which the Council has a right or duty to inspect, or
- c. 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 MEETING

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

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

- 73. The Council shall state the special reason for exclusion.
 - 74. 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.
 - 75. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
 - 76. If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
- #### **CONFIDENTIAL BUSINESS**
- 77. a. 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.

- b. Any member in breach of the provisions of paragraph a. of this Standing Order shall be removed from any committee or sub-committee of the Council, by the Council.

LIAISON WITH COUNTY AND BOROUGH COUNCILLORS

78. A summons and agenda for each meeting shall be sent, together with an invitation to attend to the County Councillor for the Division and to the Borough Councillor or Councillors for the Ward.
79. Unless the Council otherwise orders, a copy of each letter to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the Ward as the case may require.

PLANNING APPLICATIONS

80. a. The Clerk shall as soon as it is received enter in a file kept for the purpose the following particulars of every planning application notified to the Council:
- (i) The date on which it was received;
 - (ii) The name of the applicant;
 - (iii) The place to which it relates;
 - (iv) A summary of the nature of the application.
- b. The Clerk shall refer every planning application received to the Chairman/Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.
- c. The making of comments to the Local Planning Authority on behalf of the Parish Council may be delegated to the Clerk provided that the Clerk shall not make any such comments except after consultation with a minimum of two Parish Councillors for the Ward in which the property, the subject of the application, is situated.

STATUTORY INSTRUMENTS

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Model Code of Conduct) Order 2007

<i>Made</i>	<i>2nd April 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i>	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000^[1].

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act^[2].

Citation, commencement and application

1. —(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

- (a) in relation to police authorities in England and Wales; and
- (b) in relation to the following authorities in England—
 - (i) a county council;

APPENDIX

CODE OF CONDUCT

(Adopted by the Parish Council on 13 June 2007)

Statutory Instrument 2007 No. 1159

The Local Authorities (Model Code of Conduct) Order 2007

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- d. The comments to be reported at the next meeting of the Council.
- e. This matter to be reviewed at the Annual General Meeting of the Parish Council each year.

FINANCIAL MATTERS

- 81. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
 - a. Such Regulations shall include detailed arrangements for the following:
 - (i) the accounting records and systems of internal control;
 - (ii) the assessment and management of risks faced by the Council;
 - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - (iv) the financial reporting requirements of members and local electors; and
 - (v) procurement policies (subject to b. below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.
 - b. Any proposed contract for the supply of goods, material, 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 c. below.
 - c. Any formal tender process shall comprise the following steps:
 - (i) a public notice of intention to place a contract to be placed in a local newspaper;
 - (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - (iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
 - (iv) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;

- (v) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- d. The Council, or any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Order Nos. 65, 67 and 68 regarding improper activity.
- e. If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- f. The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

CODE OF CONDUCT ON COMPLAINTS

- 82. The Council shall deal with complaints of misadministration allegedly committed by the Council or by any officer or member in the manner recommended by Legal Topic Note 56 issued by The National Association of Local Councils, except for those complaints which should be properly directed to the Standards Board for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 83. 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.
- 84. 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.

LENGTH OF MEETINGS

- 85. All meetings of the Council will terminate at 2130 hours unless the Council so resolve to carry on for a period not exceeding 30 minutes to conclude outstanding business.

STANDING ORDERS TO BE GIVEN TO MEMBERS

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

These Standing Orders Adopted by Sherfield-on-Loddon Parish Council on Wednesday 11 September 2002. Amended: Tuesday 10 February 2004, Tuesday 13 April 2004, Tuesday 10 August 2004, Wednesday 13 June 2007, Wednesday September 2008.