

TIDDINGTON WITH ALBURY - STANDING ORDERS

Although TWAPC generally conducts its business in a relatively informal fashion, its Standing Orders provide fully for formal procedures. That way we, at least, know what we should be doing and, having adopted suitable rules, have the ability to invoke them as/when appropriate. TWAPC's Orders conform to the paragraph numbering established by the NALC model, since this eases liaison with OALC and the like if/when queries arise and it avoids having to rearrange all the cross-references within the document. Thus, for instance, while it is clearly not applicable, the content of para 59 has been deleted but the para itself has been retained

Your attention is drawn to the following:

- a. Orders in **BOLD** typeface are mandatory.
- b. Sealed tenders (and all that goes with them) are not mandatory on contracts valued at less than £50,000 – see para 77(2) – which is comfortably above TWAPC's pay grade. I have, therefore, inserted – at para 77(4) – the previously agreed figure of £2,000 below which TWAPC may let contracts/purchase goods directly without obtaining estimates. This does not, of course, preclude it from seeking quotes if it so desires. Note, however, that, even if it does request tenders or estimates, it is not bound to accept the lowest bid – see para 77(5).
- c. The Code of Conduct is to be published as an Annex to Standing Orders. This has been done, in this instance using the revised Code introduced in 2007.
- d. On the authority of OALC County Circular 2/2207, Standing Orders 58 and 70 have been deleted and replaced by standing orders 70A and 70B.

November 2009

KS Poyser
Clerk

TIDDINGTON WITH ALBURY PARISH COUNCIL

STANDING ORDERS

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- Notes:**
1. Orders printed in **bold type** are mandatory and may not be altered.
 2. 'Local Councils' means Parish Town and Community Councils in England.
 3. Since local councillors may be male or female, wherever the masculine gender is used, this should be interpreted as also meaning the feminine gender where appropriate.

Meetings

1. a. Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b. Smoking is not permitted at any meeting of the Council.

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 the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
3. **(England Only) In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

Chairman of the Meeting

4. **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

5. 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 or nominated officer:-
 - a. To receive declarations 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 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

6. **Three members or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 48.

Voting.

9. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
10. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
11. (1) **Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
(2) **If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**

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

Order of Business

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

- a. To elect a Chairman of the Council**
- b. To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d. To decide when any declarations of acceptance of office 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 elect a Vice-Chairman of the Council.
- f. To appoint representatives to outside bodies.
- g. To appoint committees and sub-committees.
- 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 as required;

and shall thereafter follow the order set out in the Standing Order 15

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

14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.

15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

- a. To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- b. After consideration to approve the signature of the Minutes, by the person presiding, as a correct record.**
- c. To deal with business expressly required by statute to be done.**
- d. To dispose of business, if any, remaining from the last meeting.
- e. To receive such communications as the person presiding may wish to lay before the Council.
- f. To answer questions from Councillors.
- g. To receive and consider reports and minutes of committees.
- h. To receive and consider resolutions or recommendations in the order in which they have been notified.
- i. To authorise the sealing of documents.
- j. If necessary, to authorise the signing of orders for payment.

Urgent Business.

16. A motion to vary the order of business on the ground of urgency:

- a. May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

- b. Shall be put to the vote without discussion.

Resolutions Moved On Notice

17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least four clear days before the next meeting of the Council.

18. 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 the inspection of every member of the Council.

19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

Resolutions Moved Without Notice

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

- a. To appoint a Chairman of the meeting.
- b. To correct the Minutes.
- c. To approve the Minutes.
- d. To alter the order of business.
- e. To proceed to the next business.
- f. To close or adjourn the debate.
- g. To refer a matter to a committee.
- h. To appoint a committee or any members thereof.
- i. To adopt a report.
- j. To authorise the sealing of documents.
- k. To amend a motion.
- l. To give leave to withdraw a resolution or amendment.
- m. To extend the time limit for speeches.
- n. To exclude the press and public. (see Order 68 below)
- o. To silence or eject from the meeting a member named for misconduct. (see Order 33 below)
- p. To give the consent of the Council where such consent is required by these Standing Orders.
- q. To suspend any Standing Order. (see Order 79 below)
- r. To adjourn the meeting.

Questions

24. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided five clear days notice of the question has been given to the person to whom it is addressed.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer.

Rules of Debate

28. 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.
29. a. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b. A member when seconding a resolution or amendment 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 ten minutes and no other speech shall exceed ten minutes except by consent of the Council.
- e. An amendment shall be either:-
- i. To leave out words.
 - ii. To leave out words and insert others
 - iii. To insert or add words.
- f. An amendment shall not have to effect of negating the resolution before the Council.
- g. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i. The mover of a resolution or of an amendment shall have a right of reply, not exceeding ten 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 speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m. When a resolution is under debate no other resolution shall be moved except the following:-
- i. To amend the resolution.
 - ii. To proceed to the next business.
 - iii. To adjourn the debate.
 - iv. That the question be now put.
 - v. That a member named be not further heard.
 - vi. That a member named do leave the meeting.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.

ix. To adjourn the meeting.

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

31. a. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

b. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

c. Whenever the Chairman speaks during a debate all other members shall be silent.

Closure

32. At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

Disorderly Conduct

33. **a. All members must observe the Code of Conduct which, 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 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, that member is under a duty to report the breach to the Standards Board (England).**

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

Right of Reply

34. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of Resolution

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

Rescission of Previous Resolution

36. a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

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

Voting On Appointments

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

Discussions and Resolutions Affecting Employees of the Council

38. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No 68.)

Resolutions on Expenditure

39. Any resolution 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, may, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council to permit any committee affected by it to consider whether it desires to report thereon.

Expenditure

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

Sealing of Documents

41. 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

42. 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:

a. shall not appoint any member of a committee so as to hold office later than the next Annual Meeting;

b. may appoint persons other than members of the Council to any Committee; and

c. may subject to the provisions of Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.

44. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

Special Meeting

45. 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

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

47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

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

Advisory Committees

50. 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

Voting in Committees

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

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

Presence of Non-Members of Committees at Committee Meetings

53. 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

54. 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

2) Where it is necessary to make a 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 the approval of the Chairman or Vice-Chairman of the Council.

3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. 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.

Budgets and Precepts

56. 1) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of December.

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 the end of the month of November.

Interests (ENGLAND)

57. If a member has a personal interest as defined by the Code of Conduct, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

~~58. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.~~
(Deleted by OALC County Circular 2/2207 dated Nov 07 – see Orders 70A and 70B)

59. Interests (WALES) – not applicable.

60. The Clerk may be 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.

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such

appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

62. The Clerk shall make known the purpose of this Standing Order to every candidate.

Canvassing of and Recommendations by Members

63. 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 of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

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

Inspection of Documents

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

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

Unauthorised Activities

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

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

Admission of The Public and Press to Meetings

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

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

69. The Council committee or sub-committee shall state the special reason for exclusion.

~~70. At all meetings of the Council, the Chairman may at their 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. (Deleted by OALC County Circular 2/2207 dated Nov 07 which substituted Orders 70A and 70B.)~~

70A. At all meetings of the council, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council with effect from 1 July 2007 shall apply to members of the council in respect of the entire meeting. Where, however, members of the council exercise their rights pursuant to SO 70B, below, members of the public **must** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.

70B. At all meetings of the Council, the Chairman may permit members of the council (including co-opted members¹) who have a prejudicial interest in relation to any item of business to be transacted

¹ As defined by s.49 (7) Local Government Act 2000 s.1(2)

at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council with effect from 1 July 2007 shall apply to members of the council in respect of the entire meeting.

71. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

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

Confidential Business

73. 1) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

Liaison with County and District Councillors

74. A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County and District Councillors for the appropriate division or ward.

75. When so directed by the Council, a copy of letters ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

Planning Applications

76. The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council:-

- a. the date on which it was received;
- b. the place to which it relates; and
- c. brief details of the proposal

The Clerk shall notify the receipt of every planning application to the Chairman/Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.

Financial Matters

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

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) For work to be carried out or goods to be purchased to a value of between £2,000 and £50,000 three estimates or quotes are to be obtained. For contracts valued at less than £2,000 estimates are

not mandatory.

5) 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 60 and 62 regarding improper activity.

6) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

{Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level}

(Note: Some Standing Order **must** be made for contracts for the supply of goods or the execution of works)

Code of Conduct on Complaints

78. 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 (England) for consideration.

Variation, Revocation and Suspension of Standing Orders

79. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

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

Standing Orders to be Given to Members

81. 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

**TIDDINGTON WITH ALBURY PARISH COUNCIL
CODE OF CONDUCT**

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Notes:

- (1) The blank paragraphs indicate parts of the Model Code (SI 2007/1159) which are not mandatory for/applicable to Town or Parish Councils; and
- (2) The Register of Interests referred to in Part 3 of this Code may be inspected at the office of the Monitoring Officer at South Oxfordshire District Council, Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8QS, or by arrangement with the Clerk to the Council.

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 State²
- (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)
- (c) any of the authority’s committees, sub-committees, joint committees, joint sub-committees;

“member” includes a co-opted member and an appointed member;

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

Scope

2. - (1) Subject to sub-paragraphs [\(2\)](#) to [\(5\)](#), you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs [\(3\)](#) and [\(4\)](#), this Code does not have effect in relation to your conduct other than where it is in your official capacity
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs [3\(2\)\(c\)](#), [5](#) and [6\(a\)](#) also have effect at any other time where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph [\(3\)](#)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of the authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

² The general principles are included as an appendix to this Code on page 7.

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);
 - (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, the authority are deemed to include a police officer
- 4.** You must not -
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and
 - (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; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7.

PART 2

Interests

Personal Interests

8. (1) You have a personal interest in any business of your authority where either —
- (a) it relates to or is likely to affect—
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in [paragraph \(vi\)](#);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in [paragraph \(vi\)](#) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of —
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In [sub-paragraph \(1\)\(b\)](#), a relevant person is –
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph [\(1\)\(a\)\(i\)](#) or [\(ii\)](#).

Disclosure of Personal Interests

9. - (1) Subject to sub-paragraphs [\(2\)](#) to [\(7\)](#), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph [8\(1\)\(a\)\(i\)](#) or [8\(1\)\(a\)\(ii\)\(aa\)](#), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph [8\(1\)\(a\)\(viii\)](#), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) [Sub-paragraph \(1\)](#) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest
- (5) Where you have a personal interest but, by virtue of [paragraph 14](#), sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6)
- (7)

Prejudicial Interests

- 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)
 - (ii)
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11.

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;
 - (b) ; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

Registration of Members' Interests

13. (1) Subject to [paragraph 14](#), you must, within 28 days of-
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph [8\(1\)\(a\)](#), by providing written notification to your authority's monitoring officer.
- (2) Subject to [paragraph 14](#), you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under [paragraph \(1\)](#), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive Information

- 14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under [paragraph 13](#).
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under [paragraph \(1\)](#) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

THE GENERAL PRINCIPLES³

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

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

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

³ NB: The General Principles do not form part of the Code, but have been included as an appendix in accordance with the advice of the Standards Board for England to remind members and the public of the principles underlying the Code, and as they are referred to in [paragraph 1\(2\)](#) of the Code.