

# **HORMEAD PARISH COUNCIL**

## **STANDING ORDERS AND CODE OF CONDUCT**

Approved and adopted by council on 17 January 2013  
(Amended and approved by council on 21 March 2013)

*[Important Reservation: Mandatory standing orders are laid down in Acts of Parliament. These are printed in bold type and cannot be amended except by a legislative change or addition for clarification of non-conflicting local standing orders. Future amendments arising from the Localism Act will require further revisions]*

# HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

<b>Index</b>	<b>Page</b>
1. Code of Conduct	2
2. Conduct expected of councillors when acting in that capacity	2
3. Disorderly conduct at a meeting	3
4. Inspection of documents	3
5. Confidential business	3
6. Unauthorised activities	3
7. Allegations of breaches of the code of conduct	3
8. Proper Officer	4
9. Meetings	5
10. Annual Meeting of the Council	7
11. Ordinary Council meetings	8
12. Extraordinary Meetings	8
13. Motions requiring written notice	9
14. Motions not requiring written notice	9
15. Rules of Debate	10
16. Questions	11
17. Minutes	11
18. Rescission of previous resolutions	12
19. Execution and Sealing of legal deeds	12
20. Financial matters	12
21. Expenditure	13
22. Accounts and Financial Statements	13
23. Estimates/Precepts	13
24. Committees	13
25. Sub-committees	14
26. Advisory committees	14
27. Canvassing of and recommendations by councillors	14
28. Voting on appointments	14
29. Matters affecting Council employees	14
30. Freedom of Information Act 2000	15
31. Relations with the press/media	15
32. Liaison with District and County Councillors	15
33. Variation, revocation, and suspension of standing orders	15
34. Standing orders to be given to councillors	15
<b>Addenda</b>	
Member Officer Protocol	16
Code of Conduct preamble	21
Code of Conduct	23
Appendix A	25
Appendices B and C	26
<i>(Note: a reference to one gender shall include a reference to the other gender, in context)</i>	

## **1. Code of conduct**

- 1.1. **All councillors must observe the code of conduct adopted** unanimously **by the Council** at its meeting on 10 August 2012, a copy of which is attached herewith on pages 18-21
- 1.2. All councillors shall undertake training in the code of conduct within 3 months of the delivery of their declaration of acceptance of office or within 3 months of changes of legislation taking effect
- 1.3. Councillors must at all times be aware of their duties and responsibilities towards the community
- 1.4. **Under the requirements of the Localism Act 2011 (Sections 29-34) and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, within 28 days of becoming a member or co-opted member, a notice of Interests which fall into categories set out in Appendices A or B or C shown on pages 20-21 will be submitted to the Monitoring Officer of the District Council and to the Proper Officer of the council**
- 1.5. **A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A B or C within 28 days of becoming aware of it and notify the Proper Officer of the council accordingly**
- 1.6. **A member with an interest that falls within category A in council business must leave the room before the business is dealt with and may not speak if that business is raised during public participation**
- 1.7. **Councillors other than a member with a category A interest in council business may exercise rights contained in standing order 1.8 below only if and when members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted**
- 1.8. **Councillors with a declarable interest other than a category A interest in relation to any item of business being transacted at any meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber**
- 1.9. If any councillor with an interest in relation to any item of business being transacted at any meeting refuses to leave the room or chamber, the Chairman may take such further steps as may reasonably be necessary to enforce his departure and/or he may adjourn the meeting

## **2. Conduct expected of councillors when acting in that capacity**

- 2.1. Every councillor shall have regard to the following principles – **selflessness, integrity, objectivity, accountability, openness, honesty and leadership**, and accordingly when a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations :-
- 2.2. to behave to all others, including councillors and employees, in such a way that a reasonable person would regard as respectful (*see Member Officer Protocol below*)
- 2.3. not to act in a way , in particular in regard of employees, which a reasonable person would regard as bullying or intimidatory (*see Member Officer Protocol below*)
- 2.4. not to seek to improperly confer an advantage or disadvantage on any person or other organisation
- 2.5. to use the resources of the Council in accordance with its requirements and not for improper purposes or personal gain
- 2.6. not to disclose information which is confidential or where disclosure is prohibited by law
- 2.7. not to bring the council into disrepute by improper conduct
- 2.8. to uphold the principles and specific undertakings set out in the Code of Conduct on pages 18 and 19 below at all times

### **3. Disorderly conduct at a meeting**

- 3.1. No person including councillors and members of the public shall at a meeting persistently disregard the ruling of the Chairman, obstruct the transaction of business at a meeting or behave offensively or improperly or in such a manner as to bring the Council into disrepute or encourage others to do so.
- 3.2. If, in the opinion of the Chairman, there has been a breach of standing order 3.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion
- 3.3. If a resolution made in accordance with standing order 3.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting

### **4. Inspection of documents**

- 4.1. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties only (**but not otherwise**) inspect any document in the possession of the Council or a committee, (apart from the Staffing Committee), and request a copy for the same purpose. The approved minutes of meetings of the Council and its committees shall be available for inspection by councillors
- 4.2. A councillor in breach of the provisions of standing order 4.1 above will be forbidden any future inspection or copy of any documents until the matters are resolved by decision of the council and the councillor has registered an appropriate declaration of interest in the matters

### **5. Confidential business**

- 5.1. Councillors shall not disclose information pertaining to council business including emails between fellow councillors or the clerk to any person not a member of the Council given in confidence as declared by the Council or which they believe, or ought to be aware, is of a confidential nature.
- 5.2. A councillor in breach of the provisions of standing order 5.1 above will be deemed to have a disclosable prejudicial interest in such matters or such information until the confidential business is resolved by decision of the council and the councillor has registered an appropriate declaration of interest in the matters with the Monitoring Officer and the Proper Officer of the council
- 5.3. A councillor in breach of the provisions of standing order 5.1 above may be removed from a committee by a resolution of the Council.

### **6. Unauthorised activities**

- 6.1. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, or a committee:
  - 6.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - 6.1.2. issue orders, instructions or directions, or
  - 6.1.3. hold himself out as a councillor authorised by the council to do any of the above.

### **7. Allegations of breaches of the code of conduct**

- 7.1. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council for its information and recording and shall send it to the District Monitoring Officer for action.
- 7.2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Council of that fact, which, upon receipt of such notification, shall request the Proper Officer to withdraw from the room when or if the notification is considered in council meeting until the complaint is resolved by the monitoring officer.
- 7.3. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the

## HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

Council (including the Proper Officer and the Chairman of the Council, subject to standing order 7.2 above) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- 7.3.1. draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - 7.3.2. ensure that any background papers containing the information set out in standing order 7.1 above are not made public.
  - 7.3.3. ensure that the public and press are excluded from meetings as appropriate.
  - 7.3.4. ensure that the minutes of meetings preserve confidentiality.
  - 7.3.5. consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter
- 7.4. Standing order 7.3 above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Council or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law
- 7.5. The Council shall have the power to:
- 7.5.1. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - 7.5.2. seek and share information relevant to the complaint;
  - 7.5.3. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- 7.6. References in standing order 7 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

## 8. Proper Officer

- 8.1. The Council's Proper Officer shall be the Clerk to the Council or a councillor appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the councillor appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- 8.2. The Council's Proper Officer shall do the following:
  - 8.2.1. **upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient, electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting provided that any such email contains the electronic signature and title of the proper officer**
  - 8.2.2. **give public notice of the time, date, venue and the agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)**
  - 8.2.3. subject to standing orders 13.1 to 13.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least 4 clear days before the meeting confirming his withdrawal of it
  - 8.2.4. **convene a meeting of full Council for the election of a new chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing orders 8.2.1 and 8.2.2 above**

## HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

- 8.2.5. make available for inspection the minutes of meetings
- 8.2.6. receive and retain copies of byelaws made by other local authorities**
- 8.2.7. certify copies of byelaws made by the Council
- 8.2.8. receive and retain declarations of acceptance of office from councillors**
- 8.2.9. retain a copy of every councillor's register of disclosable interests and any changes to it and keep copies of the same available for inspection and publish the register on the Parish Council website as authorised by the Monitoring Officer of the District Council
- 8.2.10. keep proper records required before and after meetings
- 8.2.11. process all requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same
- 8.2.12. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
- 8.2.13. manage the organisation, storage of and access to information held by the Council in paper and electronic form
- 8.2.14. arrange for legal deeds to be signed by 2 councillors and witnessed (see also standing orders 19.1 and 19.2).
- 8.2.15. arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations
- 8.2.16. record every planning application notified to the Council and the Council's response to the local planning authority in a book or electronic register for such purpose
- 8.2.17. refer a planning application received by the Council to the chairman or in his absence the Vice-chairman, if any, of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires proper consideration before the next ordinary meeting of the Council
- 8.2.18. action or undertake activity or responsibilities instructed by resolution or contained in standing orders

## 9. Meetings

- 9.1. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- 9.2. Where a council has its own premises, meetings shall be held therein.
- 9.3. When calculating the minimum 3 clear days' notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Saturday a Sunday a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count**
- 9.4. Meetings shall be open to the public including the press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons or for persistent disruption and rowdy behaviour by individuals as the Chairman decides. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion**
- 9.5. Subject to standing orders 9.4 above and 9.6 below, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda during a specified period for public participation, if any.
- 9.6. The period of time which may be designated for public participation in accordance with standing order 9.5 above shall not exceed 15 minutes.

## HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

- 9.7. Subject to standing order 9.5 above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- 9.8. In accordance with standing order 9.5 above, a question asked by a member of the public during a public participation session at a meeting shall not necessarily require a response or debate.
- 9.9. In accordance with standing order 9.8 above, the Chairman may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- 9.10. No member of the public attending the meeting may distribute to any other person any papers or other documents without first requesting and obtaining the permission of the Chairman
- 9.11. A record of a public participation session at a meeting shall be included in the minutes of that meeting
- 9.12. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- 9.13. Any person speaking at a meeting, including councillors, shall address his comments to the Chairman.
- 9.14. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- 9.15. At any meeting, the clerk may by resolution of the Council electronically record the whole of the proceedings solely for his own use as an aide memoire for the sole purpose of drafting the minutes for circulation to councillors for approval in council. The record thus made is not a Council document or record and shall not be available for inspection or copy purposes to councillors or members of the public. The record will be destroyed immediately after the council approval of the minutes.
- 9.16. Subject to standing order 9.15 above, **photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means** by any person is **not permitted without the Council's** prior written **consent****
- 9.17. In accordance with standing order 9.4 above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present**
- 9.18. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice Chairman (if any)**
- 9.19. The Chairman if present shall preside at a meeting. If the Chairman is absent from a meeting, the Vice Chairman, if any and if present, shall preside. If both the Chairman and Vice Chairman, if any, are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting and shall exercise all the powers and duties of the Chairman in relation to the conduct of the meeting**
- 9.20. Subject to standing order 9.27 below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon**
- 9.21. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of voted may exercise his casting vote whether or not he gave an original vote**
- 9.22. Unless standing orders provide otherwise, voting on any question shall be by show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- 9.23. The minutes of a meeting shall record the names of councillors present and absent**
- 9.24. If prior to a meeting, a councillor has submitted reasons in writing or email for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given

## **HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT**

- 9.25. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting
- 9.26. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes
- 9.27. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3
- 9.28. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- 9.29. Meetings shall start at 8 pm and shall not exceed a period of 2 hours unless the Council decides differently by consent under standing order 14.1.22

### **10. Annual Meeting of the Council**

- 10.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office
- 10.2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct
- 10.3. If no other time is fixed, the annual meeting of the Council shall take place at 6pm
- 10.4. The election of the Chairman and Vice-Chairman (if considered appropriate) of the Council shall be the first business completed at the annual meeting of the Council
- 10.5. The Chairman of the Council, if any, unless he resigns or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council
- 10.6. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council
- 10.7. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes
- 10.8. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes
- 10.9. Following the election of the Chairman of the Council and Vice-Chairman, if any, of the Council at the annual meeting of the Council, the order of business shall be as follows:
  - 10.9.1. in an election year, delivery by all councillors of their declarations of acceptance of office
  - 10.9.2. confirmation of the accuracy of the minutes of the last ordinary meeting and any later extraordinary meeting of the Council
  - 10.9.3. review of delegation arrangements to committees, the clerk and other local authorities
  - 10.9.4. review of the terms of references for committees
  - 10.9.5. review and adoption of appropriate standing orders and financial regulations
  - 10.9.6. review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities
  - 10.9.7. review of representation on or work with external bodies and arrangements for reporting back



- 10.9.8. review of inventory of land and assets including buildings and office equipment
- 10.9.9. review and confirmation of arrangements for insurance cover in respect of all insured risks
- 10.9.10. review of the Council's and the clerk's memberships of other bodies
- 10.9.11. establishing or reviewing the Council's complaints procedure
- 10.9.12. establishing or reviewing the Council's procedures for handling requests made under the freedom of information act 2000 and the data protection act 1998
- 10.9.13. establishing or reviewing the Council's policy for dealing with the press/media
- 10.9.14. setting the dates, times and place of ordinary meetings of the full Council for the year ahead

## **11. Ordinary Council Meetings**

- 11.1. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- 11.2. Ordinary meetings shall be held on the third Thursday of each month in any year, excepting August.
- 11.3. At every meeting other than the annual meeting of the Council, the first business shall be to elect a councillor as Chairman if the Chairman and Vice-Chairman, if any, be absent
- 11.4. After the first business has been completed, the order of business unless the Council otherwise decides on the grounds of urgency under standing order 14.1.6 shall be as follows:
  - 11.4.1. to record the names of councillors present and absent
  - 11.4.2. confirmation of the accuracy of the minutes of the last ordinary meeting and any later extraordinary meeting of the Council
  - 11.4.3. to approve the signature of the minutes by the chairman as a correct record
  - 11.4.4. to deal with business expressly required by statute to be done
  - 11.4.5. to deal with the report of the chairman and administrative business, if any
  - 11.4.6. to dispose of business, if any, remaining from the last meeting
  - 11.4.7. to deal with any planning applications and related issues received since the previous meeting
  - 11.4.8. to receive a report on the Council's finances
  - 11.4.9. to authorise the signing of orders for payments, including those already paid under standing order 21.4
  - 11.4.10. to receive and consider other correspondence received since the previous Council meeting
  - 11.4.11. to receive and consider reports on other matters of relevance to the parish community
  - 11.4.12. to consider any other issues notified to the Council in advance of a meeting
  - 11.4.13. to consider items that the chairman considers of importance but arising too late for inclusion in the agenda

## **12. Extraordinary Council Meetings**

- 12.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 12.2. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 clear days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- 12.3. The Chairman of a committee may convene an extraordinary meeting of the committee at any time.
- 12.4. If the Chairman of a committee does not or refuses to call an extraordinary meeting within 7 clear days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by both councillors.
- 12.5. For clarification, any extraordinary meeting, unless it is called solely for the consideration of confidential business, is called subject to standing orders 9.3 and 9.4

### **13. Motions requiring written notice**

- 13.1. In accordance with standing order 8.2.3 above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 4 clear days before the next meeting.
- 13.2. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 13.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 13.3. If the Proper Officer considers the wording of a motion received in accordance with standing order 13.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 4 clear days before the meeting.
- 13.4. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- 13.5. Having consulted the Chairman or councillors pursuant to standing order 13.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 13.6. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book or electronic register for that purpose, which shall be open to inspection by all councillors.
- 13.7. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book or electronic register for that purpose, which shall be open to inspection by all councillors.
- 13.8. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

### **14. Motions not requiring written notice**

- 14.1. Motions in respect of the following matters may be moved without written notice
  - 14.1.1. to appoint a person to preside at a meeting
  - 14.1.2. to approve the absences of councillors
  - 14.1.3. to approve the accuracy of the minutes of the previous meeting
  - 14.1.4. to correct an inaccuracy in the minutes of the previous meeting
  - 14.1.5. to dispose of business, if any, remaining from the last meeting
  - 14.1.6. to alter the order of business on the agenda for reasons of urgency or expedience
  - 14.1.7. to proceed to the next business on the agenda
  - 14.1.8. to close or adjourn debate
  - 14.1.9. to refer by formal delegation a matter to a committee or the clerk
  - 14.1.10. to appoint a committee or any councillors (including substitutes)thereto
  - 14.1.11. to receive nominations to a committee
  - 14.1.12. to dissolve a committee
  - 14.1.13. to note the minutes of a meeting of a committee
  - 14.1.14. to consider a report and/or recommendations made by a committee or the clerk
  - 14.1.15. to consider a report and/or recommendations made by a professional advisor, expert or consultant
  - 14.1.16. to authorise legal deeds signed by two councillors and witnessed.
  - 14.1.17. to authorise the payment of monies including annual payments and the monthly payments excepted under standing order 21.4

## HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

14.1.18. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it

14.1.19. to extend the time limit for speeches

14.1.20. to exclude the press and public for all or part of a meeting

14.1.21. to silence or exclude from the meeting a councillor or a member of the public for disorderly conduct

14.1.22. to give the consent of the Council if such consent is required by standing orders

14.1.23. **to suspend any standing order except those which are mandatory by law**

14.1.24. to adjourn the meeting

14.1.25. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies

14.1.26. to answer questions from councillors

14.2. If a motion falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience

### **15. Rules of debate**

15.1. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience

15.2. Subject to standing orders 13.1 to 13.5 above, a motion shall not be considered unless it has been proposed and seconded

15.3. Subject to standing order 8.2.3 above, a motion included in an agenda not moved by the councillor who tabled it may be treated as withdrawn

15.4. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered

15.5. A councillor may not move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the proposer and the seconder

15.6. Any amendment to a motion shall be either:

15.6.1. to leave out words; or

15.6.2. to add words; or

15.6.3. to leave out words and add other words

15.7. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration

15.8. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of

15.9. Subject to standing order 15.8 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately

15.10. Pursuant to standing order 15.8 above, the number of amendments to an original or substantive motion which may be moved by a councillor is limited to one

15.11. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman

## **HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT**

- 15.12. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved
- 15.13. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes
- 15.14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote
- 15.15. Subject to standing orders 15.13 and 15.14 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation
- 15.16. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by
- 15.17. A point of order shall be decided by the Chairman and his decision shall be final
- 15.18. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused
- 15.19. Subject to standing order 15.15 above, when a councillor's motion is under debate no other motion shall be moved except:
  - 15.19.1. to amend the motion
  - 15.19.2. to proceed to the next business
  - 15.19.3. to adjourn the debate
  - 15.19.4. to put the motion to a vote
  - 15.19.5. to ask a person to be silent or for him to leave the meeting
  - 15.19.6. to refer a motion to a committee for consideration
  - 15.19.7. to exclude the public and press
  - 15.19.8. to adjourn the meeting
  - 15.19.9. to suspend any standing order in relation to the motion, except those which are mandatory
- 15.20. In respect of standing order 15.19.4 above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption

## **16. Questions**

- 16.1. A councillor may seek an answer to a question concerning any business of the Council provided that least 4 clear days' notice of the question has been given to the Proper Officer.
- 16.2. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions, if specified.
- 16.3. Every question shall be put to the Chairman and answered without discussion.

## **17. Minutes**

- 17.1. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- 17.2. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing

order 14.1.4 above.

- 17.3. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 17.4. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- 17.4.1. “The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”
- 17.5. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **18. Rescission of previous resolutions**

- 18.1. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 2 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 18.2. When a special motion or any other motion moved pursuant to standing order 18.1 above has been disposed of, no similar motion may be moved within a further 6 months

## **19. Execution and sealing of legal deeds**

- 19.1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 19.2. **In accordance with a resolution made under standing order 19.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **20. Financial matters**

- 20.1. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 20.1.1. the accounting records and systems of internal control;
- 20.1.2. the assessment and management of financial risks faced by the Council;
- 20.1.3. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- 20.1.4. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments;
- 20.1.5. procurement policies subject to standing order 20.2 below including the setting of values for different procedures where the contract has an estimated value of less than £1,500.
- 20.2. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of 10% of the precept shall be procured on the basis of a formal tender as summarised in standing order 20.3 below.**
- 20.3. Any formal tender process shall comprise the following steps:
- 20.3.1. a public notice of intention to place a contract to be placed in a local newspaper;
- 20.3.2. a specification of the goods, materials, services and the execution of works shall be drawn up;
- 20.3.3. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- 20.3.4. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;

20.3.5. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

20.4. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote

**20.5. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules**

## **21. Expenditure**

21.1. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

**21.2. The Council's financial regulations shall be reviewed once a year.**

**21.3. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, or to the clerk.**

21.4. Orders for payment of money shall be authorised by resolution of the Council and signed by two members, with the exceptions of:

21.4.1. annual payments for insurance and membership fees of the Council and the clerk

21.4.2. monthly payments under contract terms for grass cutting, letter picking and the salary of the clerk

21.5. Any payments made by the clerk who is hereby authorised by the Council to make such payments, provided that the payment order is signed by two members of the Council, may be made without further reference as long as at least the Chairman and one other councillor is notified and shall be authorised at the following ordinary meeting of the Council under standing orders 11.4.9 and 14.1.17

21.6. Where it is necessary to make any other payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the proper officer with the approval of the Chairman or Vice-Chairman, if any, of the Council.

## **22. Accounts and financial statements**

22.1. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

22.2. The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of the month in each year a statement summarising the Council's receipts and payments for the period from 1 April and the balances held at the end of that month. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **23. Estimates/precepts**

23.1. **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

23.2. Any councillor or committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 31st December.

## **24. Committees**

24.1. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

## **HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT**

- 24.1.1. shall determine their terms of reference;
- 24.1.2. may permit committees to determine the dates of their meetings;
- 24.1.3. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- 24.1.4. may in accordance with standing orders, dissolve a committee at any time.

24.2. Every committee shall at its first meeting before proceeding to any other business elect a Chairman who shall hold office until the next annual meeting of the Council

24.3. The Chairman and the Vice-Chairman, if any, of the Council ex officio shall be members of every committee, including advisory committees

24.4. The Chairman of any committee shall in the case of equality of votes have a casting vote

### **25. Sub-committees**

25.1. Unless there is a Council resolution to the contrary, no committee may appoint a sub-committee.

### **26. Advisory committees**

26.1. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

26.2. Advisory committees, subject to standing order 24.3, may consist wholly of persons who are non-councillors.

### **27. Canvassing of and recommendations by councillors**

27.1. Canvassing councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment unless applying to fill a casual vacancy. The Proper Officer shall disclose the requirements of this standing order to every candidate.

27.2. A councillor or a member of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion unless to fill a casual vacancy; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

27.3. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **28. Voting on appointments**

28.1. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote

### **29. Matters affecting Council employees (*see Member Officer Protocol below*)**

29.1. If a meeting considers any matter personal to the Clerk to the Council, (or any other employee), it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 9.4 above

29.2. The Staffing Committee, including the Chairman of the Council, shall conduct an annual review of the performance and/or appraisal of the clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council

29.3. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the clerk relates to the Chairman or Vice-Chairman of

the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council

- 29.4. The Staffing Committee is responsible for all management of the Clerk and shall keep written records of all meetings relating to performance and capabilities, grievance and disciplinary matters.
- 29.5. The Council shall keep written records relating to the clerk secure. All paper records shall be secured under lock and electronic records shall be password protected.
- 29.6. Records documenting reasons for the clerk's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- 29.7. Only persons with management responsibilities for the clerk shall have access to employee records referred to in standing orders 29.5 and 29.6 above if so justified.
- 29.8. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 29.5 and 29.6 above shall be provided only to the Chairman of the Staffing Committee.

### **30. Freedom of Information Act 2000**

- 30.1. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- 30.2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 8.2.11 above.

### **31. Relations with the press/media**

- 31.1. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy on dealing with the press etc
- 31.2. Councillors shall not, in their official capacity, provide oral or written statements or articles to the press or other media unless authorised by the council.

### **32. Liaison with District and County Councillors**

- 32.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County Council representing its electoral ward.
- 32.2. Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council Councillor representing its electoral ward

### **33. Variation, revocation and suspension of standing orders**

- 33.1. Any or every part of the standing orders, **except those which are mandatory by law**, may be suspended by resolution in relation to any specific item of business.
- 33.2. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 3 councillors and will stand adjourned without discussion to the next ordinary meeting of the Council.

### **34. Standing orders to be given to councillors**

- 34.1. The Proper Officer shall provide a copy of the Council's standing orders and other documents in a prepared starter pack to a councillor upon delivery of his declaration of acceptance of office.
- 34.2. The Chairman's decision as to the application of standing orders at meetings shall be final.
- 34.3. A councillor's failure to observe standing orders more than twice in one meeting may result in him being excluded from the meeting in accordance with standing orders.



**Hormead Parish Council**  
**Member Officer Protocol**

**Introduction**

**1.1 Hormead Parish Council exists to serve the interests of its parish.** Members (councillors) and officers have a joint responsibility to ensure that they work collaboratively to ensure an efficient, transparent and democratic Council focused on these interests.

**1.2** Members and officers will conduct an annual review of the *Member Officer Protocol* and its application, to ensure continued high standards of relations between members and officers.

**1.3** The Council has agreed the following protocol about the relationship between members and officers in order to clarify roles and responsibilities.

**1.4** Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise.

**2 Roles of Members and Officers**

**2.1** Members and officers depend upon each other in carrying out the work of the Council.

**2.2** Members are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. Officers are responsible to the Council.

**2.3** Members ensure the Council and its officers are aware of the concerns of their electorate and help decide the overall direction of the Council and, where appropriate, act in a supporting role in carrying out the work of the Council. Members have personal, individual and collective responsibility for the Council and its activities. They are responsible for ensuring that adequate management and financial arrangements are in place and they monitor the performance, development, continuity and overall well-being of the Council. Members may be designated to act in a certain role or as a positive focus for a particular section of the Council's activities. However, the Council is not entitled to delegate decision-making on behalf of the Council to individual members. The Council is entitled to delegate certain decision-making and functions to an officer or to committees of members.

**2.4 Officers** give advice to the members and carry out the decisions and work of the Council. Officers manage and provide the services for which the Council has responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and for taking decisions, within agreed policy. They provide advice to the public and members in respect of the services provided. They initiate policy proposals, implement agreed policy, ensure that the Council acts lawfully and in accordance with the principles of sound financial management and represent the Council on external bodies.

**3 Respects and Courtesy**

**3.1** The Council's vision is set out in its Business Plan. For that vision to be realized, members and officers must work together in a harmonious relationship based upon mutual respect, courtesy, trust, honesty and understanding of each other's roles.

<p style="text-align: center;"><b>Hormead Parish Council</b></p> <p style="text-align: center;"><b>Member Officer Protocol</b></p>
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This should prevail in all meetings and contacts whether formal or informal. This protocol should also inform behavior with external contacts e.g. from partner organizations to ensure that members and officers are conducting themselves in a way that is appropriate when representing the Council.

**3.2** Neither members nor officers should seek to take unfair advantage of their position in their dealings with each other. Members should be aware that officers, especially junior officers, may sometimes be overawed and feel at a disadvantage. Such feelings are intensified given that members make decisions that directly affect officers.

**3.3** Members should not apply pressure on officers to do anything that they are unwilling to do or are not empowered to do. Similarly, officers must not seek to use influence on an individual member to make a decision in their personal favour, as opposed to in the interests of the Council.

**3.4** Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or unintentionally, lead to the passing of confidential information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other members and/or other officers and could even give rise to suspicions of favouritism. It should therefore be avoided.

**3.5** Inappropriate relationships can be inferred from language/style. Therefore members and officers should always seek to address each other with courtesy.

**3.6** Members must not obstruct the work of officers by unnecessarily taking up their time or in any way acting to impede their ability to proceed with their professional duties. Officers must equally respect the role of members and will only request additional supporting work from members where necessary or beneficial to the Council.

**3.7** Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development.

**3.8** Members and officers must not conduct themselves in an unacceptable manner. This includes discrimination which is a failure to afford equal opportunities in the workplace irrespective of disability, gender, race, religion, age, sexuality, and marital status. It includes harassment which is conduct that is unwanted and offensive and affects the dignity of an individual or group of individuals. It includes bullying which is a type of harassment consisting of persistent actions, criticism or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual. When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient's experience rather than the perpetrator's motivation. The following examples show the variety of ways in which unacceptable behaviour can occur and are taken from actual cases from various sources. This list is

## Hormead Parish Council

### Member Officer Protocol

neither comprehensive nor exclusive. It serves to illustrate a range of potential indicators of unacceptable behaviour.

- Using aggressive language, threatening, ridiculing, ignoring people, or shouting
- Shifting blame to others
- Phoning people at home unnecessarily (especially demanding work when the person is absent due to sickness or ill health)
- Focusing only on weaknesses
- Bringing up details of someone's private life inappropriately
- Leaving impossibly long lists of tasks and making unreasonable demands
- Criticising people in their absence
- Racist comments or jokes, including those about distinctive peoples and nationalities
- Questioning an individual about his/her sexual relationship/preferences
- Frequent comments about aspects of physical appearance or using forms of address that are demeaning
- Repeated staring or leering or suggestive looks at parts of the body
- Physical contact ranging from unwanted kissing, touching of any kind, through to assault or rape
- Making unwanted sexual advances
- The use of pin-ups, posters or electronic display e.g. pornographic pictures, objectionable cartoons
- Comments about or the excluding of a colleague from workplace talk or activities because of their age, disability, colour, race, religion, ethnic origin, gender or sexual orientation
- Threatening or implying that you will cause the person to lose their job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage
- Using language and/or gestures in such a way that someone fears for their personal safety
- Coercing someone to join the harassment/bullying of another person

#### **4 Officer Support to the Council**

**4.1** It is clearly important that there should be a close working relationship between members and the officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers ability to deal impartially with other members. Officers must ensure their neutrality in representing the Council is not compromised. (Also see 3.4 above).

**4.2** Whilst members might be consulted as part of the process of drawing up proposals for consideration on the agenda of a forthcoming meeting, it must be recognised that the Clerk/Responsible Officer) is under a professional duty to provide an agenda. The Clerk will do this in consultation with the Chairman.

Officers also submit reports based on their professional judgment to the Council. The Clerk/Responsible Officer will always be responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. Any issues arising between a member and the Clerk/Responsible Officer should be

<p style="text-align: center;"><b>Hormead Parish Council</b></p> <p style="text-align: center;"><b>Member Officer Protocol</b></p>
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resolved informally if possible using appropriate line management and, where appropriate progressing through relevant Council procedures where more formal resolution becomes necessary.

**4.3** Officer advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.

**5 Members Access to Documents**

**5.1** Members’ right to inspect Council documents is restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable members properly to perform their duties for the Council. This is often referred to as the “need to know” principle. However, members do not have a “roving commission” to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.

**5.2** A member requesting access to documents should direct their enquiry to the Clerk or other relevant senior officer. Officers will be concerned to furnish Council members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the officer’s view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.

**5.3** Any dispute regarding a member’s access to a document should be referred for resolution using appropriate line management and, where needed, through formal Council procedures.

**6 Information and Advice to Members**

**6.1** Any Council information provided to a member must only be used by that member for the purpose for which it was provided, namely in connection with the member’s duties as a member of the Council, unless the information is already in the public domain.

**6.2** Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, members must not prevent other persons from gaining access to information to which those persons are entitled by law.

**6.3** In order to safeguard against possible breaches of the Data Protection Act (which applies to all information of a personal nature) members should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the member and the Council at legal and financial risk.

**6.4** Regular contact between members and senior officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of officers to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between members and officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the officer to carry out the work of the Council

<p style="text-align: center;"><b>Hormead Parish Council</b></p> <p style="text-align: center;"><b>Member Officer Protocol</b></p>
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is not impeded and to ensure that the officer can set aside an appropriate amount of time to meet with and concentrate on a member or group of members.

**7 Representing Interests**

**7.1** Officers are neutral in that they serve the whole Council and not a particular sector or political group. Members might have an affiliation with a particular group within the public but should be making decisions based on their responsibility to the Council and its electorate as a whole. This does not preclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

**8 Communication and Advice**

**8.1** Save in exceptional circumstances, all letters and other communications on official Council business should be sent out only in the name of the Proper Officer (the Clerk). Communications which create obligations or give instructions on behalf of the Council should never be sent out under the name of a member.

**9 Public Relations and Press Releases**

**9.1** The Clerk has overall responsibility for public relations and press releases on behalf of the Council. Political and lobby/action group press releases and publicity must not be issued at the initiative of individual members or officers using the resources of the Council. There is, of course, nothing to prevent any member from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

**10 Disputes**

**10.1** With goodwill, respect and integrity on both sides there ought to be very few occasions when a disagreement between an officer and a member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures. It should be noted that two routes of action for unresolved disputes and behavior issues are recourse to the Parish Council's Disciplinary/Grievance Procedures (and in some cases employment tribunals) and reports to East Herts Council's Monitoring Officer of breaches of the Code of Conduct.

**Hormead Parish Council**

**Members' Code of Conduct (preamble)**

**Introduction**

Pursuant to section of the Localism Act 2011, Hormead Parish Council, (the Council), has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

The Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

**Definitions**

For the purposes of this Code, a co-opted member is a person who is not a member of the Council but who is either a member of any committee of the Council or a member of, and represents the Council on any joint committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee.

For the purposes of this code, a meeting is a meeting of the Council, any of its committees or joint committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council

**Member obligations**

When a member of the Council acts, or claims to act or gives the impression of acting as a representative of the Council, he has the following obligations:

1. He will behave in such a way that a reasonable person would regard as respectful
2. He shall not act in a way which a reasonable person would regard as bullying or intimidatory
3. He shall not seek to improperly confer an advantage or disadvantage on any person
4. He shall use the resources of the Council in accordance with its requirements
5. He shall not disclose information which is confidential or where disclosure is prohibited by law

**Registration of interests**

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later, he shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A B and C

Upon the re-election of a member or the re-appointment of a co-opted member, he shall within 28 days re-register with the Monitoring Officer any interests in Appendices A B and C.

A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A B and C within 28 days of becoming aware of it

A member may only declare the existence but not the details of any interest which the Monitoring Officer agrees is a "sensitive interest". A sensitive interest is one which if disclosed on a public register, could lead the member or person connected with the member to be subject to violence or intimidation

**Hormead Parish Council**

**Members' Code of Conduct (preamble)**

**Declaration of interests at meetings**

Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter and shall leave the room. He only has to declare what his interest is if it is not already entered in the member's register of interests or he has not notified the Monitoring Officer of it.

Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he has an interest but not the nature of it.

Where a matter arises at a meeting which relates to an interest in Appendix B or C, the member shall not vote on the matter. He may speak only if and when members of the public are also allowed to speak at the meeting.

A member only has to declare his interest in Appendix B or C if it not already entered in his register of interests or he has not notified the Monitoring Officer of it or if he speaks on the matter. If he holds an interest in Appendix B or C which is a sensitive interest not already disclosed to the Monitoring Officer, he shall declare the interest but not the nature of the interest

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of that interest and not vote on the matter. He may speak in the matter only if and when members of the public are also allowed to speak at the meeting. If it is a sensitive interest the member shall declare the interest but not the nature of the interest.

**Dispensations**

On a written request made to the Council's Proper Officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he has an interest in Appendices A B and C if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

**Defunct Interests**

Where a declared interest ceases to exist, a member shall notify the Proper Officer and the Monitoring officer of the detailed circumstances causing the cessation and request that it be rescinded.

**Hormead Parish Council**

**Members' Code of Conduct (effective from 17th January 2013)**

As a member or co-opted member of Hormead Parish Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

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

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

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

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

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

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

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

**REGISTRATION AND DISCLOSURE OF INTERESTS:**

Under requirements of the Localism Act 2011 (Sections 29-34) and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, within 28 days of becoming a member or co-opted member, a notice of Interests which fall into categories set out in Appendices A B or C will be submitted to the Monitoring Officer of the District Council.

*Members are required to register not only their own interests under this heading but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them.*

(continued over)



### Horstead Parish Council

#### Members' Code of Conduct *(effective from 17th January 2013)*

As a member of Horstead Parish Council, (the Authority), my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community, including those who did not vote for me, and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing residents' queries and complaints, the interests of the Authority's area or the good governance of the Authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of this Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by parish residents.
- Contributing to making this Authority's decision making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect and honesty, including fellow councillors and employees, other organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.
- Undertaking training on the Code of Conduct and other functions at least once a year to enable me to be up to date on legislative and advisory matters in order to carry out my responsibilities and duties as a councillor.

## HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT

### Appendix A

- *Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below, (effective from 1st July 2012).*

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
<b>Contracts</b>	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses or civil partners (or a firm in which such a person is a partner or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
<b>Land</b>	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners which is within the area of the Council. 'Land' excludes and easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income
<b>Licences</b>	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the relevant Authority for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director of or has a beneficial interest in the securities of.
<b>Securities</b>	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **HORMEAD PARISH COUNCIL – STANDING ORDERS and CODE OF CONDUCT**

- ‘director’ includes a member of the committee of management of an industrial and provident society
- \*\*Securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### **Appendix B**

*Interests not defined* under section 30(3) of the Localism Act 2011, (*effective from 1st July 2012*).

**An interest must be registered with the Monitoring Officer and notified to the Proper Officer of the council which relates to or is likely to affect:**

- any body of which the member is in a position of general control or management and to which he is appointed or nominated by the Council
- any other body or organisation —
  - exercising functions of a public nature;
  - directed to charitable purposes; or
  - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- where a matter arises at a meeting relating to the body or organisation included in (i) or (ii) above in which the member has a declarable interest as an officer manager or advisor he must disclose the nature of that interest and not vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting.
- Where a member of any body is appointed or nominated by the Council but is not in a position of general control or management he must disclose the nature of that interest and not vote. He may speak in discussion on the matter at the meeting.
- any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office

### **Appendix C**

**All other pecuniary and non-pecuniary interests arising at a meeting must be registered with the Monitoring Officer and notified to the Proper Officer of the council**

Where a member has a personal interest of a non-pecuniary nature in a specific matter arising at a meeting he must disclose the nature of that interest and not vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of that interest and not speak or vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting

Where a matter arises at a meeting which relates to a non-financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of that interest and not speak or vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting

For the avoidance of doubt, any matter relating to the safety of the community and the general public is the responsibility of the council as a whole and is not considered as relevant to the rules regarding personal interests of councillors (other than an interest in Appendices A B or C).