

# **Zeals Parish Council - Standing Orders**

**As approved 12 September 2013**

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## **1. Meetings**

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

1.2 Smoking is not permitted at any meeting of the Council.

## **2. The Statutory Annual Meeting**

2.1 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.

2.2 In a non-election year the Annual Parish Council Meeting shall be held on such a day in May as the Council may direct.

2.3 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 places as the Council may direct.

## **3. Chairman of the Meeting**

3.1 The person presiding at a meeting may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.

## **4. Proper Officer**

4.1 Where 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 Acting Clerk:

- 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 on 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; and

h) To keep proper records for all Council meetings.

## **5. Quorum of the Council**

5.1 Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

5.2 If a quorum is not present, or if during a meeting the number of councillor's present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned.

5.3 Any business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

5.4 For a quorum relating to a committee or sub-committee, please refer to Standing Order 24.3.

## **6. Voting**

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

6.2 If a member so requires, the Clerk shall record the names of the members who voted so as to show whether they voted for or against it. Such a request must be made before the Chairman proceeds to the next item of business.

6.3 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. Subject to the following:

- a) If the person presiding at the annual meeting, would have ceased to be a member of the council, but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term in office. In which case he may not give an original vote in an election for Chairman; and
- b) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 7. Order of Business

7.1 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; and
- i) To inspect any deeds and trust investments in the custody of the Council as required, and shall hereafter follow the order set out in Standing Order 32.

7.2 At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman should both 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.

7.3 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 18 must be read in conjunction with this requirement.

7.4 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) Authorise the sealing of documents; and
- j) If necessary, to authorise the signing of orders for payment.

## **8. Urgent Business**

8.1 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.

## **9. Resolutions Moved On Notice**

9.1 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 10 clear days before the next meeting of the Council.

9.2 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.

9.3 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.

9.4 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.

9.5 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.

9.6 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.

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

## **10. Resolutions Moved Without Notice**

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

- a) A resolution to appoint a Chairman of the meeting;
- b) A resolution to correct the Minutes;
- c) A resolution to approve the Minutes;
- d) A resolution to alter the order of business;
- e) A resolution to proceed to the next business;
- f) A resolution to close or adjourn the debate;
- g) A resolution to refer a matter to a committee;
- h) A resolution to appoint a committee or any members thereof.
- i) A resolution to adopt a report;
- j) A resolution to authorise the sealing of documents;
- k) A resolution to amend a motion;
- l) A resolution to give leave to withdraw a resolution or amendment.
- m) A resolution to extend the time limit for speeches;
- n) A resolution to exclude the press and public. (See Standing Order 34 below);

- o) A resolution to silence or eject from the meeting a member named for misconduct. (See Standing Order 14 below);
- p) A resolution to give the consent of the Council where such consent is required by these Standing Orders;
- q) A resolution to suspend any Standing Order. (See Standing Order 40 below); or
- r) A resolution to adjourn the meeting.

## **11. Questions**

11.1 A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 1 clear days' notice of the question has been given to the person to whom it is addressed.

11.2 Questions concerned with business NOT under discussion shall NOT be asked except during the part of the meeting set aside for questions.

11.3 Every question shall be put and answered without discussion.

11.4 A person to whom a question has been put may decline to answer.

## **12. Rules of Debate**

12.1 No discussion shall take place upon the Minutes except upon their accuracy.

12.2 Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

12.3 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.

12.4 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 debate.

12.5 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

12.6 No speech by a mover of a resolution shall exceed 10 minutes and no other speech shall exceed 10 minutes except by consent of the Council.

12.7 An amendment shall be either:

- a) In order to leave out words;
- b) To leave out words and insert others; or
- c) To insert or add words.

12.8 An amendment shall not have to effect of negating the resolution before the Council.

12.9 If an amendment is carried, the resolution, as amended shall take the place of the original. Then this shall become the resolution upon which any further amendment may be moved.

12.10 A further amendment shall not be moved, until the Council has disposed of any amendments moved prior to the further amendment.

12.11 The mover of a resolution or of an amendment shall have a right of reply, but not to exceed ten minutes.

12.12 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 move a closure.

12.13 A member may speak on a point of order or a personal explanation.

12.14 A member speaking for these purposes shall be heard forthwith.

12.15 A personal explanation shall be confined to some material part of a former that may have been misunderstood.

12.16 A motion or amendment may be withdrawn by the member proposing it 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.

12.17 When a resolution is under debate no other resolution shall be moved except the following:

- a) In order to amend the resolution;
- b) In order to proceed to the next business;
- c) In order to adjourn the debate;
- d) For the question be put now;
- e) That a member named be not further heard;
- f) That a member named do leave the meeting;
- g) For the resolution be referred to a committee;
- h) In order to exclude the public and press; or
- i) In order to adjourn the meeting.

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

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

12.20 Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide which member to call upon.

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

## **13. Closure**

13.1 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.

13.2 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.

13.3 The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## **14. Disorderly Conduct**

14.1 All members must observe the Code of Conduct, which was adopted by the Council on 12 July 2012 a copy of which is annexed to these Standing Orders.

14.2 No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

14.3 If, in the opinion of the Chairman, a member has acted in a manner contrary to that required. The Chairman shall express that opinion to the Council, and thereafter any member may move that the member named be no longer heard, or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

14.4 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.

14.5 If the motion mentioned in paragraph 14.3, is disobeyed, then the Chairman may adjourn the meeting, or take such further steps as may reasonably be necessary to enforce them.

## **15. Right of Reply**

15.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote.

15.2 If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.

15.3 A member exercising a right of reply shall not introduce a new matter.

15.4 After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## **16. Alteration of Resolution**

16.1 A member may, with the consent of the member who seconded the resolution, move amendments to his own resolution. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except:

- a) By a special resolution, or the written notice whereof bears the names of at least 3 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee; or
- b) When 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.

## **17. Voting On Appointments**

17.1 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.

17.2 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.

## **18. Discussions and Resolutions Affecting Employees of the Council**

18.1 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 34)

## **19. Resolutions on Expenditure**

19.1 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, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

19.2 Any committee affected by it shall consider whether it desires to report.

## **20. Expenditure**

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

## **21. Sealing of Documents**

21.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

21.1 Any two members of the Council named in a resolution moved under the provisions of paragraph 21.1 of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

## **22. Committees and Sub Committees**

22.1 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 Standing Order 24 at any time dissolve or alter the membership of a committee.

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

22.3 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.

## **23. Special Meeting**

23.1 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time.

23.2 An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee.

23.3 The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

## **24. Sub-Committees**

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

24.2 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.

24.3 Except where ordered by the Council in the case of the 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.

24.4 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.

## **25. Advisory Committees**

25.1 The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

25.2 The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.

25.3 An advisory committee may make recommendations and give notice thereof to the Council.

25.4 An advisory committee may consist wholly of persons who are not members of the Council.

## **26. Voting in Committees**

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

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

## **27. Presence of non-members of Committees at Committee Meetings**

27.1 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.

## **28. Accounts and Financial Statement**

28.1 Except as provided in paragraph 28.2 of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

28.2 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 Clerk.

28.3 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.

28.4 All payments ratified under paragraph 28.2 of this Standing Order shall be separately included in the next schedule of payments before the Council. The Clerk shall supply to each member as soon as practical after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year.

28.5 A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May.

28.6 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.

## **29. Estimates / Precepts**

29.1 Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than November.

29.2 The council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.

## **30. Interests**

30.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 12 July 2012 (annexed to these Standing Orders) then he shall declare such interest as soon as it becomes apparent, disclosing both the existence and the nature of that interest as required.

30.2 If a member who has declared a personal interest then considers the interest to be prejudicial, then he must withdraw from the room or chamber during considerations of the item to which the interest relates.

30.3 Members are required to complete the Register of Interests on the Wiltshire Council website on election and update as necessary thereafter.

30.4 If a candidate for any other 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.

30.5 A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice.

30.6 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.

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

## **31. Canvassing of and Recommendations by Members**

31.1 Canvassing of members of the Council or of any such committee, directly, or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.

31.2 The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.

31.3 A member of the Council, or of any committee, shall not solicit in favour of any person for any appointment under the Council, or recommend any person for such appointment, or for promotion. However 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.

31.4 Standing Order 38 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **32. Inspection of Documents**

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

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

## **33. Unauthorised Activities**

33.1 No member of the Council or 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.

## **34. Admission of the Public and Press to Meetings**

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

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

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

34.3 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 meetings in relation to the business to be transacted at that meeting.

34.4 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.

34.5 There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

35.5 If a member of 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.

## **35. Confidential Business**

35.1 No member of the Council or of any committee or sub-committee shall disclose to any person who is 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.

35.2 Any member in breach of the provisions of paragraph 35.1 of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

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

36.1 A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the Councillor for the Mere Division of Wiltshire Council.

36.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to Wiltshire Council shall be transmitted to the said Councillor.

## **37. Planning Applications**

37.1 The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:

- a) The date on which it was received;
- b) The name of the applicant;
- c) The place to which it relates;
- d) 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.

## **38. Financial Matters**

38.1 The Council shall consider and approve Financial Regulations drawn up by the Clerk as Responsible Financial Officer.

38.2 Such Regulations shall include detailed arrangements for the following:

- a) The accounting records and systems of internal control;
- b) The assessment and management of risks faced by the Council;
- c) The receipt of an annual report from the Internal Auditor; and
- d) The financial reporting requirements of members and local electors.

38.3 In addition, the Financial Regulations must provide that any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £100 shall be procured on the basis of a formal tender as summarised in paragraph 38.4 below.

38.4 With regards any formal tender process. The Financial Regulations shall comprise the following steps:

- a) A public notice of intention to place a contract to be placed in 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.
- f) 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 31 and 32 regarding improper activity.

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

## **39. Code of Conduct**

39.1 The revised Local Authority Model Code of Conduct was formally adopted by Zeals Parish Council on the 12 July 2012.

## **40. Variation, Revocation and Suspension of Standing Orders**

40.1 Any or every part of the Standing Orders may be suspended by resolution in relation to any specific item of business.

40.2 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.

## **41. Standing Orders to be given to Members**

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.

# **Annex - Code of Conduct**

(as adopted by resolution 12 July 2012)

## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Zeals 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.

This 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 or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-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, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

- a) He/she shall behave in such a way that a reasonable person would regard as respectful;

- b) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory;
- c) He/she shall not seek to improperly confer an advantage or disadvantage on any person;
- d) He/she shall use the resources of the Council in accordance with its requirements; and/or
- e) He/she 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/she shall register all interests which fall within the categories set out in Appendices A and B.

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

A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

A member need only declare on the public register of interests 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 a person connected with the member to be subject to violence or intimidation.

### **Declaration of Interests**

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. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she 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/she has an interest but not the nature of it.

Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.

A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she 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, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if 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/she has an interest in Appendices A and B 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.

## Appendix A

Interests described in the table below.

| <b>Subject</b>                                    | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain.                                                                                                                                                                                                                                                                                                |
| Sponsorship                                       | 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.                                                                                                                                                                                                                              |
| Contracts                                         | Any contract made between 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 (or a firm in which such 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.                                                                                                                                                                                                                                                                                                                                            |
| Land                                              | Any beneficial interest in land which is within the area of the Council.<br>'Land' excludes an 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. |
| Licences                                          | Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.                                                                                                                                                                                                                                                                         |
| Corporate tenancies                               | Any tenancy where (to the member's knowledge)—                                                                                                                                                                                                                                                                                                                                      |
|                                                   | (a) the landlord is the Council; and                                                                                                                                                                                                                                                                                                                                                |
|                                                   | (b) the tenant is a body that 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.                                                                                                                              |
| Securities                                        | Any beneficial interest 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—                                                                                                                                                                                                                                                                                                                                                                         |
|                                                   | (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or                                                                                                                                                                                                                                                  |
|                                                   | (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or 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.               |

\*'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.

### ADDITIONAL INTERESTS

- 1) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- 2) Any Body:
  - a) Exercising functions of a public nature;
  - b) Directed to charitable purposes; or
  - c) 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.
- 3) Any employment or business carried on by the member;
- 4) Any person or body who employs or has appointed the member;
- 5) Any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- 6) Any person or body who has a place of business or land in the Council's area, and in whom the member has 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);
- 7) Any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a person or body of the description specified in paragraph (6);
- 8) Any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- 9) Any land in the Council's area in which the member has a beneficial interest;
- 10) Any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (6), is the tenant;
- 11) Any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.