

STANDING ORDERS FOR TANWORTH-IN-ARDEN PARISH COUNCIL

MEETINGS

1. (a) Meetings of the Council shall be held at either Earlswood or Tanworth Village Hall commencing with a public forum at 7.30 pm immediately followed by the Council Meeting unless the Council otherwise decides at a previous meeting. The Council meeting will start immediately following the conclusion of the public forum.
(b) Smoking is not permitted at any meeting of the Council.
2. The Statutory Annual Meeting (a) in an election year shall be held on or within Thursday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on such day in May as the council may direct.
3. The three other statutory meetings shall be held on the third Thursday in the months of July, October and February.
4. Nine additional meetings shall be held on the third Thursday in the months of April, May, June, August, September, November, December, January and March

CHAIRMAN OF MEETING

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

The Proper Officer shall:

- i. At least three clear days before a meeting of the council, a committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer. Councillors may opt out of receiving their summons and agenda electronically
- ii. give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them); (The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued, the day of the meeting, 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.)
- iii. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the

- council in paper and electronic form;
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xii. record every planning application notified to the council and the council's response to the local planning authority.
 - xiii. refer a planning application received by the council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council or the Planning Committee.

QUORUM

7 Four members shall constitute a quorum.

8. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared prejudicial interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

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

10. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request shall be made before moving on to the next item of business on the agenda.

11. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

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

ORDER OF BUSINESS

- a 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.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c The first business conducted at the annual meeting of the council shall be the election of the

Chairman and Vice-Chairman of the Council.

- d The Chairman of the Council, unless he has resigned 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.
- e 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.
- f 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.
- g 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.
- h 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 business of the annual meeting shall include:
 - a) **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - b) To appoint representatives to outside bodies.
 - c) To appoint committees.
 - d) To consider the payment of any subscriptions falling to be paid annually.
 - e) To inspect any deeds and trust instruments in the custody of the Council;

and shall thereafter follow the order set out in Standing Order 14.

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

14. 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 receive and consider reports and minutes of committees.
- (g) To receive and consider reports from officers of the Council.
- (h) To authorise the signing of orders for payment
- (i) To consider resolutions or recommendations in the order in which they have been notified.
- (j) Any other business specified in the summons
- (k) Any matter not appearing in the summons and of such urgency shall stand referred to the appropriate committee for immediate attention.

15. 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

16. 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 (*See Standing Order 38 below.*)

RESOLUTIONS MOVED ON NOTICE

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

18. The Clerk shall record each resolution clearly in the minutes and if an item is requested to appear on an agenda, the agenda should identify who has requested this item.

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

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

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

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

RESOLUTIONS MOVED WITHOUT NOTICE

23. The following motions may be moved at a meeting without written notice to the Proper Officer;
- a) to correct an inaccuracy in the draft minutes of a meeting;
 - b) to move to a vote;
 - c) to defer consideration of a motion;
 - d) to refer a motion to a particular committee or sub-committee;
 - e) to appoint a person to preside at a meeting;
 - f) to change the order of business on the agenda;
 - g) to proceed to the next business on the agenda;
 - h) to require a written report;
 - i) to appoint a committee or sub-committee and their members;
 - j) to extend the time limits for speaking;
 - k) to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - l) to not hear further from a councillor or a member of the public;
 - m) to exclude a councillor or member of the public for disorderly conduct;
 - n) to temporarily suspend the meeting;
 - o) to suspend a particular standing order (unless it reflects mandatory statutory requirements – See section 76);
 - p) to adjourn the meeting; or
 - q) to close a meeting.

QUESTIONS

24. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided 3 clear days notice of the question has been given to the person to whom it is addressed before the meeting begins or if 3 clear days is not given then the person to whom it is addressed may decline to answer until the next meeting of the council.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions or under Items for Future Agenda.

26. Every question shall be put and answered without discussion unless permitted under the discretion of the Chairman, any discussion should be limited to 3 minutes.

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

RULES OF DEBATE

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

29. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

(b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

(c) A member shall direct his speech to the question under discussion or to a personal

explanation or to a question of order.

(d) No speech by a mover of a resolution shall exceed three minutes, and no other speech shall exceed two minutes except by consent of the Council.

(e) An amendment shall be either:-

(i) To leave out words.

(ii) To leave out words and insert or add others.

(iii) To insert or add words.

(f) An amendment shall not have the effect of negating the resolution before the Council.

(g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding two minutes.

(j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

(k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

(l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

(m) When a resolution is under debate no other resolution shall be moved except the following:-

(i) To amend the resolution.

(ii) To proceed to the next business.

(iii) To adjourn the debate.

(iv) That the question be now put.

(v) That a member named be not further heard.

(vi) That a member named do leave the meeting.

(vii) That the resolution be referred to a committee.

(viii) To exclude the public and press.

(ix) To adjourn the meeting.

30. A member may remain seated when speaking.

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

(b) Members shall address the Chairman.

(c) If two or more members wish to speak, the Chairman shall call upon one of them to speak and the others shall wait.

(d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

32. At any point in a debate on a motion a member may move "that the question be now put" or "that the debate be now adjourned". If such a motion is seconded the Chairman shall put the motion to the vote provided he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, there will be no right of reply by the mover or seconder. The adjournment of a debate shall not prejudice the mover's right of reply at any subsequent resumption of the debate.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

33. DISORDERLY CONDUCT

- a) **All members must observe the Code of Conduct which was adopted by the council on 21 June 2007, a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named by no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).**
- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

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

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

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

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

VOTING ON APPOINTMENTS

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

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

38. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (*See Standing Order No. 67.*)

RESOLUTIONS ON EXPENDITURE

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

EXPENDITURE

40. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

SEALING OF DOCUMENTS

41.(a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

(b) Subject to standing order 41(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

COMMITTEES AND SUB-COMMITTEES

42. The Council may at its Annual 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 at any time dissolve or alter the membership of a committee.

43. Every committee shall have a minimum of seven members (including the Chairman and Vice-Chairmen) and shall have agreed terms of reference with specified decision-taking powers, if any. The Council shall review each Committee's terms of reference at the Annual Meeting.

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

45. 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. In the case of the Finance and Planning Committees meetings shall be held on the first Thursday of each month unless there is insufficient business.

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

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

48. 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.

49. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be no fewer than 4 of its members.

50. 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.

VOTING IN COMMITTEES

51. 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.

52. Chairmen of committees and sub-committees shall in the case of an equality of votes

have a second or casting vote.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

53. A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

WORKING PARTIES

54. When appropriate, the Council may appoint a Working Party of not less than three people to consider and report back on a specified topic.

ACCOUNTS AND FINANCIAL STATEMENT

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

(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chairman or Vice-Chairman of the Council.

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

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

ESTIMATES FOR BUDGET

57. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of December.

(b) Any committee or working party desiring to incur expenditure shall, not later than 30 November give to the Clerk a written estimate of the expenditure recommended for the coming year.

INTERESTS

58. If a member has a personal interest as defined by the Code of Conduct adopted by the Council in June 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

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

60. The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 60 shall apply.

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

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

62. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

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

63. Standing Orders Nos. 61 and 62 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

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

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

UNAUTHORISED ACTIVITIES

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

- (a) inspect any lands or premises which the council has a right or duty to inspect; or
- (b) issue orders, instructions or directions, or
- (c) enter into negotiations or make statements purporting to be on behalf of the Council unless authorised to do so by the Council or the relevant committee or

sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

67. (a) The public shall be admitted to all meetings of the Council and its committees which may, however, temporarily exclude the public by means of the following resolution:

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

At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

67. (b) Members of the public are restricted to 3 minutes speaking time in the public forum, unless agreed by the Committee. Also speakers are not to be interrupted and any questions are to be asked when they have finished.

68. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

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

CONFIDENTIAL BUSINESS

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

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

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

71. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor for each district ward. District and County Councillors are to be restricted to a 5 minute speaking time unless other wise by the Committee. Speakers must not be interrupted and any questions for the speaker must wait until he/she finishes.

72. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

PLANNING APPLICATIONS

73. (a) 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:-

- (i) the date on which it was received;
- (ii) the application number and the name of the applicant,
- (iii) the place to which it relates;
- (iv) a summary of the nature of the application.

(b) The Parish Clerk shall refer every planning application received to the Chairman of Planning committee within 48 hours of receipt.

STANDING ORDERS ON CONTRACTS

74. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

1) Such Regulations shall include detailed arrangements for the following:

- a) the accounting records and systems of internal control;
- b) the assessment and management of risks faced by the Council;
- c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- d) the financial reporting requirements of members and local electors and
- e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.

2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£50,000] shall be procured on the basis of a formal tender as summarised in (3) below.

3) Any formal tender process shall comprise the following steps:

- a) a public notice of intention to place a contract to be placed in a local newspaper;
- b) a specification of the goods, materials, services and the execution of works shall be drawn up;
- c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

4) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 61, 63 & 64 regarding improper activity.

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

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

CODE OF CONDUCT ON COMPLAINTS

75. The Council shall deal promptly with written complaints of maladministration allegedly committed by the Council. Complaints against individual Parish Councillors under the Code of Conduct should be addressed directly in writing to the Standards and Ethics Committee of Stratford on Avon District Council.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

78. 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.

APPENDIX

STANDING ORDERS FOR PARISH ASSEMBLY

Copies of the agenda and accounts shall be provided for members of the public attending the Parish Assembly.

*Notice of the meeting **must** be given by affixing notices in some conspicuous place in the parish and in any other manner thought desirable, e. g., by public proclamation, press advertisement, or canvass.*

The Parish Assembly may discuss parish affairs and pass resolutions thereon.

Order of Business

After the minutes have been signed the order of business at the Parish Assembly shall be as follows:-

- (1) to receive the Annual Report of the Parish Council;
- (2) to receive a statement of the Parish Council's accounts for the year ended the previous 31st March;
- (3) to receive the Council's observations on its finances for the current year;
- (4) to hear address(es) from guest speaker(s);
- (5) to receive the Annual Report of the persons appointed by the Council to be governors of schools and local charitable trusts;
- (6) to receive the observations of the County Councillor and of the District Councillors for the division or ward in which the parish is situated;
- (7) to receive statements and reports from representatives of the various voluntary organisations in the parish;
- (8) to consider resolutions of which written notice has been given;
- (9) to deal with any other business.

[DCLG 5018]

Local Authorities (Model Code of Conduct) Order 2007 No.1159

THE MODEL CODE OF CONDUCT FOR PARISH AND TOWN COUNCILS

Part 1

General provisions

Introduction and interpretation

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

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

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

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

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

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

Scope

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

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

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

and references to your official capacity are construed accordingly.

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

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

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

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

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

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

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General obligations

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

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality

enactments (as defined in section 33 of the Equality Act 2006(a));
(b) bully any person;
(c) intimidate or attempt to intimidate any person who is or is likely to be—
(i) a complainant,
(ii) a witness, or
(iii) involved in the administration of any investigation or proceedings,
in relation to an allegation that a member (including yourself) has failed to comply
with his or her authority's code of conduct; or
(d) do anything which compromises or is likely to compromise the impartiality of
those who work for, or on behalf of, your authority.

4. You must not—

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

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

6. You—

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

7. Paragraph 7 does not apply to your authority.

(a) 2006 c.3.

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Part 2

Interests

Personal interests

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

(a) it relates to or is likely to affect—
(i) any body of which you are a member or in a position of general control or
management and to which you are appointed or nominated by your authority;
(ii) any body—
(aa) exercising functions of a public nature;
(bb) directed to charitable purposes; or
(cc) one of whose principal purposes includes the influence of public
opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
(iii) any employment or business carried on by you;
(iv) any person or body who employs or has appointed you;
(v) any person or body, other than a relevant authority, who has made a

- payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
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- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

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

Prejudicial interest generally

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

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

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

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

or

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

(i) this sub-paragraph does not apply to your authority;

(ii) this sub-paragraph does not apply to your authority;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

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

(v) any ceremonial honour given to members; and

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

11. Paragraph 11 does not apply to your authority.

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Effect of prejudicial interests on participation

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

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

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

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

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

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

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

Part 3

Registration of Members' Interests

Registration of members' interests

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

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

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

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

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

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

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

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

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Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

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

Openness

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

Personal Judgement

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

Respect for Others

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

Duty to Uphold the Law

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

Stewardship

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

Leadership

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