HORMEAD PARISH COUNCIL

STANDING ORDERS AND CODE OF CONDUCT

Approved and adopted by council on 17 January 2013
(Amended and approved by council on 21 March 2013)
(Amended and approved by council on 21 May 2015)

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

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(Note: a reference to one gender shall include a reference to the other gender, in context)

1. Code of conduct

1.1. **All councillors must observe the NALC code of conduct adopted** unanimously **by the Council** at its meeting on 10 August 2012, a copy of which is attached herewith on pages 24-27

1.2. All new councillors shall undertake training in the code of conduct as soon as possible after the delivery of their declaration of acceptance of office or following changes of legislation taking effect

1.3. Councillors must at all times be aware of their duties and responsibilities towards the community

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

1.5. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it and notify the Proper Officer of the council accordingly

1.6. Councillors shall give the full details of the nature of their interests to the Monitoring Officer and also to the Proper Officer for the council website

1.7. A member with an interest that falls within Appendix A in council business must leave the room before the business is dealt with and/or that business is raised during public participation, unless he has been granted a dispensation for that particular business in the meeting, (see standing order 2 below)

1.8. Councillors with an interest other than an Appendix A interest in council business may exercise rights contained in standing order 1.9 below only if and when members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted

1.9. Councillors with a declarable interest other than an Appendix A interest in relation to any item of business being transacted at any meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted, but shall not vote on the matter, unless he has been granted a dispensation for that particular business (see standing order 2 below)

1.10. If any councillor with an interest in relation to any item of business being transacted at a meeting not granted a dispensation for that interest refuses to leave the room or chamber, the Chairman may take further reasonable steps to restore order or progress the meeting and/or he may adjourn/close the meeting

2. Dispensations

2.1. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting or, failing that, at the start of the meeting for which the dispensation is required

2.2. A decision as to whether to grant a dispensation shall be made by a meeting of the council or committee for which the dispensation is required and that decision is final

2.3. A dispensation request shall confirm:

2.3.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates

2.3.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote

2.3.3. the date of the meeting or the period (not exceeding the period from the date of granting the dispensation to the end of the last meeting prior to the next annual meeting of the council) for which the dispensation is sought, and

2.3.4. an explanation as to why the dispensation is sought

2.4. Subject to standing order 2.1 above, dispensation requests shall be considered at the beginning of the meeting of the council or committee for which the dispensation is required

2.5. A dispensation may be granted in accordance with standing order 2.2 above if having regard to all relevant circumstances the following applies:

2.5.1. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

2.5.2. granting the dispensation is in the interests of at least a third of the number of persons living in the council's area or

2.5.3. it is otherwise appropriate to grant a dispensation

3. Co-option applications and voting on appointments

3.1. The council has an obligation to satisfy itself that an applicant is eligible and to assess his suitability to be co-opted onto the council. All councillors must attend at the meeting where this agenda item is to be discussed and voted upon. **The council has no obligation to accept any applicant**.

3.2. Subject to standing order 3.1 above, where the Proper Officer receives an application for co-option to the council, he shall acknowledge receipt of the application and send or deliver the relevant forms to the candidate for completion and return to him within 4 days prior to the next ordinary meeting of the full council for inclusion on the agenda

3.3. If an application is made without a completed form or not within the timescale above, it may be dealt with at the next following ordinary meeting.

3.4. A candidate shall attend at the meeting at which his application is on the agenda

3.5. Candidates for co-option are not automatically elected and are subject to voting procedures

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

4. Inspection of documents by and questions from councillors

4.1. Subject to standing orders to the contrary or in respect of confidential or sensitive matters, a councillor may, **for the purpose of his official duties only but not otherwise,** inspect any document in the possession of the Council or a committee, (apart from the Staffing Committee), and request a copy for the same purpose. The approved minutes of meetings of the Council and its committees shall be available for inspection by councillors

4.2. A councillor in breach of the provisions of standing order 4.1 above will be forbidden any future inspection or copy of any documents until the related matters are resolved by decision of the council and the councillor has registered an appropriate declaration of interest in the matters

4.3. A councillor may seek an answer to a question concerning any business of the Council provided that least 4 clear days' notice of the question has been given to the Proper Officer

4.4. Questions not related to items of business on the agenda of a meeting shall only be asked during the part of the meeting set aside for such questions, if specified

4.5. Every question shall be put to the Chairman and responded to without discussion

5. Handling confidential or sensitive business

5.1. The agenda summons, documents supporting the agenda, and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest

5.2. Councillors and the clerk shall not disclose confidential or sensitive information including email between fellow councillors or the clerk, or to any person not a member of the Council pertaining to council business as declared by the Council or which they believe, or ought to be aware, which for special reasons would not be in the public interest

5.3. A councillor in deliberate breach of the provisions of standing order 5.2 above will be deemed to have a disclosable interest in such matters or such information until the confidential business is resolved by decision of the council and the councillor has registered an appropriate declaration of interest in the matters with the Monitoring Officer and the Proper Officer of the council A councillor in breach of the provisions of standing order 5 shall be removed from any office, ie the vice-chairman, responsible financial officer or in any other post or from a committee by a resolution of the Council.

6. Restrictions on councillor activities

6.1. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, or a committee:

6.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or

6.1.2. issue orders, instructions or directions, or

6.1.3. hold himself out as a councillor authorised by the council to do any of the above.

7. Conduct expected of councillors when acting in that capacity

7.1. Every councillor shall have regard to the following principles – **selflessness, integrity, objectivity, accountability, openness, honesty and leadership**, and accordingly when a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he has the following obligations :-

7.2. to behave to all others, including councillors and employees, in such a way that a reasonable person would regard as respectful *(see Member Officer Protocol on pages 18-22 below)*

7.3. not to act in a way , in particular in regard of employees, which a reasonable person would regard as bullying or intimidation *(see Member Officer Protocol below)*

7.4. not to seek to improperly confer an advantage or disadvantage on any person or other organisation

7.5. to use the resources of the Council in accordance with its requirements and not for improper purposes or personal gain

7.6. not to disclose information to any person(s) other than fellow councillors or the clerk which is confidential or where disclosure is prohibited by law (see standing order 5 above)

7.7. not to bring the council into disrepute by improper conduct

7.8. to uphold the principles and specific undertakings set out in the Code of Conduct on pages 23 and 24 below at all times

8. Code of conduct complaints

8.1. On receipt of a complaint from a councillor, a staff member or a member of the public that there has been an alleged breach of the code of conduct by a councillor, the Proper Officer shall forward notification of it to the District Monitoring Officer for acknowledgement and action, and to the Chairman of the council to consider the matter in accordance with standing order 8.4 below.

8.2. Upon notification by the District Council that is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 5 above, report this to the council

8.3. Where the above notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the council of that fact, who, upon receipt of such notification, shall nominate a member of the council to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in

accordance with standing order 8.7 below.

8.4. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council, subject to standing order 8.2 above) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

8.4.1. draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.

8.4.2. ensure that any background papers containing the information set out in standing order 8.1 above are not made public.

8.4.3. ensure that the public and press are excluded from meetings as appropriate.

8.4.4. ensure that the minutes of meetings preserve confidentiality.

8.4.5. consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter

8.5. The Council may:

8.5.1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law

8.5.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

8.6. References in standing order 8 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

8.7. **Upon notification by the District Council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office**.

9. Proper Officer

9.1. The Council's Proper Officer shall be the Clerk to the Council or a councillor appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer or a councillor appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

9.2. The Proper Officer shall do the following:

9.2.1. at least 3 clear days before the meeting of the council or a committee electronically serve on councillors a summons confirming the time, date, venue and the agenda provided that any such email contains the electronic signature and title of the proper officer

9.2.2. give public notice of the time, date, venue and the agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)

9.2.3. subject to standing orders 16.2 to 16.6 below, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 clear days before the meeting confirming his withdrawal of it

9.2.4. convene a meeting of full Council for the election of a new chairman of the Council, occasioned by a casual vacancy in his office, in accordance with the provisions of standing orders 9.2.1 and 9.2.2 **above**

9.2.5. facilitate inspection of the minutes of meetings by local government electors

9.2.6. receive and retain copies of byelaws made by other local authorities

9.2.7. receive and retain declarations of acceptance of office from councillors

9.2.8. retain a copy of every councillor's register of disclosable interests and any changes to it and keep copies of the same available for inspection and publish the register on the Parish Council website as authorised by the Monitoring Officer of the District Council

9.2.9. on receipt of an application for co-option to the council, to acknowledge receipt promptly and send or deliver the relevant forms for completion

9.2.10. assist with all requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same, see standing order 28

9.2.11. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary

9.2.12. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form

9.2.13. arrange for legal deeds to be executed and signed by 2 councillors and witnessed (see also standing orders 21.1 and 21.2).

9.2.14. arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations

9.2.15. record every planning application notified to the Council and the Council's response to the local planning authority in a book or electronic register for such purpose

9.2.16. refer a planning application received by the Council to the chairman or in his absence the Vice-chairman, if any, of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires proper consideration before the next ordinary meeting of the Council

9.2.17. manage access to information about the council via the publication scheme

9.2.18. action or undertake delegated activity or responsibilities instructed by resolution or contained in standing orders

10. Committees and sub-committees

10.1. Unless the council determines otherwise, a committee may not appoint a sub-committee

10.2. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council

10.3. Unless the council determines otherwise, an advisory committee may consist of non-councillors

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

10.4.1. shall determine their terms of reference;

10.4.2. shall determine the number and time of the ordinary meetings of a committee up until the date of the next annual meeting of the full council

10.4.3. shall permit a committee to determine the number and time of its other meetings

10.4.4. shall appoint and determine the term of office of members of an advisory committee ;

10.4.5. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee

10.4.6. shall permit a committee other than a standing committee to appoint its own chairman at the first meeting of the committee

10.4.7. shall determine the place, notice requirements and quorum for a committee which shall be no less than three

10.4.8. shall determine if the public may participate at a meeting of a committee

10.4.9. may dissolve a committee at any time.

10.5. The Chairman of every committee shall hold office until the next annual meeting of the Council

10.6. The Chairman of the Council shall be an ex officio member of every committee

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

11. Meetings generally

11.1. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

11.2. While the council has its own premises, meetings shall be held therein.

11.3. When calculating the minimum 3 clear days' notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Saturday. **a Sunday, a day of the Christmas break, a day of the Easter break, or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count**

11.4. The minimum three clear days public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice

11.5. Meetings shall be open to the public including the press **unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons** or for persistent disruption and rowdy behaviour by individuals as the Chairman decides**. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion**

11.6. Subject to standing orders 11.5 above and 11.7 below, members of the public are permitted, during a specified period for public participation, if any, to make representations, ask and answer questions and give evidence at a meeting which they are entitled to attend in respect of any item of business or of community concern.

11.7. The period of time which may be designated for public participation in accordance with standing order 11.5 above shall not exceed 15 minutes unless directed by the chairman of the meeting.

11.8. Subject to standing order 11.5 above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.

11.9. In accordance with standing order 11.6 above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The chairman of the meeting may direct that a written or oral response be given

11.10. No member of the public attending the meeting may distribute to any other person any papers or other documents without first requesting and obtaining the permission of the Chairman

11.11. A record of any public participation session at a meeting shall be included in the minutes of that meeting

11.12. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.

11.13. Any person speaking at a meeting, including councillors, shall address his comments to the Chairman.

11.14. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

11.15. At any meeting, the clerk may electronically record the whole of the proceedings for the sole purpose of drafting the minutes for circulation to councillors for approval in council. The recording thus made is a Council document or record and shall be available for inspection or copy purposes to councillors or members of the public.

11.16. Subject to standing order 11.5 above**, photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means** by any person for their own record **is permitted but the fact of recording must be disclosed to the council at the start of the meeting**

11.17. In accordance with standing order 11.5 above**, the press and public shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present**

11.18. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the council may in his absence be done by, to or before the Vice-Chairman of the council, if any

11.19. The Chairman if present shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if any and **if present, shall preside. If both the Chairman and Vice-Chairman,** if any**, are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting**

11.20. Subject to standing order 11.28 below, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting

11.21. The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote

11.22. Unless standing orders provide otherwise, voting on any question shall be by show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

11.23. The minutes of a meeting shall include an accurate record of the following:

11.23.1. the time and place of the meeting

11.23.2. the names of councillors present and absent

11.23.3. interests that have been declared by councillors and non-councillors with voting rights

11.23.4. whether a councillor or non-councillor with voting rights left the meeting when matters that he held interests in were being considered

11.23.5. if there was a public participation session

11.23.6. the resolutions made

11.24. If, prior to a meeting, a councillor has submitted reasons in writing or email for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given

11.25. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting

11.26. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes

11.27. A councillor who has a disclosable pecuniary interest or another interest as set out in the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter

11.28. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three

11.29. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. Any outstanding business on the agenda shall be adjourned to another meeting.

11.30. Refreshments are permitted only after the close of the meeting

11.31. Meetings shall start at 8 pm and shall not exceed a period of 2 hours unless the Council decides differently by consent under standing order 17.1.18

12. Disorderly conduct at meetings

12.1. No person including councillors and members of the public shall at a meeting persistently disregard the ruling of the Chairman, obstruct the transaction of business at a meeting or behave offensively or improperly or in such a manner as to bring the Council into disrepute or encourage others to do so

12.2. If the above standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct

12.3. If, in the opinion of the Chairman or any other councillor, there has been a breach of standing orders 12.1 and 12.2 above, any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith without discussion

12.4. If a resolution made in accordance with standing order 12.3 above is ignored, the Chairman may take further reasonable steps to restore order or progress the meeting and/or he may adjourn/close the meeting

13. Annual meeting of the council

13.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office

13.2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct

13.3. If no other time is fixed, the annual meeting of the Council shall take place at 6pm

13.4. The election of the Chairman of the Council shall be the first business completed at the annual meeting of the Council

13.5. The Chairman of the Council, unless he resigns or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council

13.6. The Council may, if considered necessary and appropriate after discussion, appoint a Vice-Chairman

13.7. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified (or breaches the code of conduct or these standing orders)**, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council**

13.8. 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

13.9. 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

13.10. Following the election of the Chairman of the Council and the appointment of a Vice-Chairman, if any, of the Council at the annual meeting of the Council, the order of business shall be as follows:

13.10.1. **in an election year, delivery by the Chairman of the council and councillors of their declarations of acceptance of office form; in a year which is not an election year, delivery by the Chairman of the council of his declaration of acceptance of office form**

13.10.2. confirmation of the accuracy of the minutes of the last ordinary meeting and any later extraordinary meeting of the Council

13.10.3. receipt of the minutes of the last meeting of committee(s)

13.10.4. consideration of the recommendations made by committee(s)

13.10.5. review of delegation arrangements to committees and the clerk
13.10.6. review of the terms of references for committees
13.10.7. appointment of members to existing committees
13.10.8. appointment of any new committees in accordance with standing order 4 above
13.10.9. review and adoption of appropriate standing orders and financial regulations
13.10.10. review of representation on or work with external bodies and arrangements for reporting back
13.10.11. review of inventory of land and assets including buildings and office equipment
13.10.12. review and confirmation of arrangements for insurance cover in respect of all insured risks
13.10.13. review of risk assessments in progress and any further requirements
13.10.14. review of the Council's and the clerk's subscriptions to other bodies
13.10.15. reviewing the Council's complaints procedure
13.10.16. reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
13.10.17. establishing or reviewing the Council's policy for dealing with the press/media
13.10.18. setting the dates, times and place of ordinary meetings of the full Council for the year ahead

14. Ordinary council meetings

14.1. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

14.2. Ordinary meetings shall be held on the third Thursday of each month in any year, excepting August.

14.3. At every meeting other than the annual meeting of the Council, the first business shall be to elect a councillor as Chairman if the Chairman and Vice-Chairman, if any, be absent

14.4. After the first business has been completed, the order of business unless the Council otherwise decides on the grounds of urgency under standing order 17.1.11 shall be as follows:

14.4.1. to record the names of councillors present and absent
14.4.2. approval of the accuracy of the minutes of the last ordinary meeting and any later extraordinary meeting of the Council
14.4.3. to approve the signature of the minutes by the chairman as a correct record
14.4.4. to deal with business expressly required by statute to be done
14.4.5. to deal with the report of the chairman and administrative business, if any
14.4.6. to dispose of business, if any, remaining from the last meeting
14.4.7. to deal with any planning applications and related issues received since the previous meeting
14.4.8. to receive a report on the Council's finances
14.4.9. to authorise the signing of orders for payments, including those already paid under standing order 26.4
14.4.10. to receive and consider other correspondence received since the previous Council meeting
14.4.11. to receive and consider reports on other matters of relevance to the parish community
14.4.12. to consider any other issues notified to the Council in advance of a meeting
14.4.13. to consider items that the chairman considers of importance but arising too late for inclusion in the agenda

15. Extraordinary meetings of the council and committees

15.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

15.2. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council**

within 7 clear **days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

15.3. The Chairman of a committee may convene an extraordinary meeting of the committee at any time.

15.4. If the Chairman of a committee does not or refuses to call an extraordinary meeting within 7 clear days of having been requested by to do so by 2 members of the committee, one of whom at least must be a councillor, those 2 members may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 members.

15.5. For clarification, any extraordinary meeting, unless it is called solely for the consideration of confidential or sensitive business, is called subject to standing orders 11.3 and 11.4

16. Motions for a meeting requiring written notice to the Proper Officer

16.1. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents

16.2. In accordance with standing order 9.2.3 above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 4 clear days before the meeting.

16.3. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 16.2 above, correct obvious grammatical or typographical errors in the wording of the motion.

16.4. If the Proper Officer considers the wording of a motion received in accordance with standing order 16.2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 4 clear days before the meeting.

16.5. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

16.6. Pursuant to standing order 16.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

16.7. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book or electronic register for that purpose, which shall be open to inspection by all councillors.

16.8. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book or electronic register for that purpose, which shall be open to inspection by all councillors.

17. Motions at a meeting not requiring written notice

17.1. Motions in respect of the following matters may be moved without written notice to the Proper Officer

- 17.1.1. to correct an inaccuracy in the minutes of a previous meeting
- 17.1.2. to dispose of business, if any, remaining from the last meeting
- 17.1.3. to authorise the payment of monies including annual payments and the monthly payments excepted by standing order 26.4
- 17.1.4. to move to a vote
- 17.1.5. to vote on all applications for co-option to the council
- 17.1.6. to defer consideration of a motion
- 17.1.7. to close or adjourn a debate

17.1.8. to refer a motion to a particular committee
17.1.9. to refer by formal delegation a matter to a committee or the clerk
17.1.10. to appoint a person to preside at a meeting
17.1.11. to change the order of business on the agenda
17.1.12. to proceed to the next business on the agenda
17.1.13. to approve the absences of councillors
17.1.14. to require a written report
17.1.15. to appoint a committee and their members
17.1.16. to consider a report and/or recommendations made by a committee or the clerk
17.1.17. to dissolve a committee
17.1.18. to give the consent of the Council if such consent is required by standing orders
17.1.19. to extend the time limits for speaking
17.1.20. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
17.1.21. to not hear further from a councillor or a member of the public
17.1.22. to exclude a councillor or member of the public for disorderly conduct
17.1.23. to exclude a councillor for non-disclosure of an interest and its nature in a council matter on the agenda
17.1.24. to suspend a particular standing order (unless it reflects mandatory statutory requirements)
17.1.25. to temporarily suspend the meeting
17.1.26. to adjourn the meeting
17.1.27. to close a meeting

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

18. Rules of debate at meetings

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

18.2. Subject to standing orders 16.2 to 16.6 above, a motion (including an amendment) shall not be considered unless it has been proposed and seconded

18.3. Subject to standing order 9.2.3 above, a motion included in an agenda not moved by its proposer may be treated by the chairman of the meeting as withdrawn

18.4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting

18.5. an amendment is a proposal to remove or add words to a motion and shall not negate the motion

18.6. if an amendment to the original notion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved

18.7. A amendment shall not be considered unless early verbal notice has been given at the meeting and notice of such amendment, shall, if required by the Chairman, be expressed in writing to the Chairman

18.8. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder and the meeting

18.9. If there is more than one amendment to an original, or substantive motion, the amendments shall be moved in the order directed by the Chairman

18.10. Subject to standing order 18.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of

18.11. One or more amendments may be discussed together if the Chairman considers this expedient but each amendment shall be voted upon separately

18.12. A councillor may not move more than one amendment to an original or substantive motion

18.13. The mover of an amendment shall not have a right of reply at the end of debate on it

18.14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply at the very end of debate on the final substantive motion immediately before it is put to the vote

18.15. Subject to standing orders 18.13 and 18.14 above, a councillor may speak once in the debate on a motion except:

18.15.1. to speak on an amendment moved by another councillor or

18.15.2. to move or speak on another amendment if the motion has been amended since he last spoke

18.15.3. to make a point of order or

18.15.4. to give a personal explanation or

18.15.5. in exercise a right of reply

18.16. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by

18.17. A point of order shall be decided by the Chairman of the meeting and his decision shall be final

18.18. Subject to standing order 18.15 above, when a councillor's motion is under debate no other motion shall be moved except:

18.18.1. to amend the motion

18.18.2. to proceed to the next business

18.18.3. to adjourn the debate

18.18.4. to put the motion to a vote

18.18.5. to ask a person to be silent or to leave the meeting

18.18.6. to refer a motion to a committee for consideration

18.18.7. to exclude the public and press

18.18.8. to adjourn the meeting

18.18.9. to suspend any particular standing order in relation to the motion, except those which reflect mandatory statutory requirements

18.19. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply

18.20. Excluding motions moved under standing order 18.18 above, the contributions or speeches of a councillor shall only relate to the motion under discussion and shall not exceed 2 minutes without the consent of the chairman

19. Draft minutes

19.1. If a copy of the draft minutes of a meeting has been circulated to councillors no later than the fifteenth day after that meeting and prior to the service of the summons to attend the scheduled meeting at which they are due to be approved for accuracy without a correction being requested,

they shall be taken as read.

19.2. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be raised in accordance with standing order 17.1.1 above.

19.3. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

19.4. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

19.4.1. "The Chairman of this meeting does not believe that the minutes of the meeting on [date] were a correct record but his view was not upheld by the majority vote and the minutes are confirmed as an accurate record of the proceedings."

19.5. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

20. Previous resolutions

20.1. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 above, or by a motion moved in pursuance of the recommendation of a committee.

20.2. When a special motion or any other motion moved pursuant to standing order 18.1 above has been disposed of, no similar motion may be moved within a further 6 months

21. Execution and sealing of legal deeds

21.1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

21.2. **In accordance with a resolution made under standing order 21.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

22. Responsible Financial Officer

22.1. The Responsible Financial Officer is the Proper Officer

22.2. The council shall appoint a councillor to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent

23. Accounts and accounting statements

23.1. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide

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

23.3. The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of the month in each year a statement summarising:

23.3.1. the Council's receipts and payments for each month

23.3.2. the council's aggregate receipts and payments for the year to date and

23.3.3. the balances held at the end of the period being reported.

23.3.4. this statement shall include a comparison with the budget for the financial year and highlights any actual or potential overspend.

23.4. As soon as possible after the financial year end to 31 March, the Responsible Financial Officer shall provide:

23.4.1. each councillor with a statement summarising the council's receipts and payments for the last period and the year to date for information, and

23.4.2. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as requires by proper practices, for consideration and approval

23.5. The end of year accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council, (income and expenditure), for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

24. Budget estimates and precept requirement

24.1. **The Council shall approve written budget estimates and precept requirement for the coming financial year** at its meeting before the end of January.

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

25. Financial controls and procurement

25.1. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

25.1.1. the keeping of the accounting records and systems of internal control;

25.1.2. the assessment and management of financial risks faced by the Council;

25.1.3. the work of the independent Internal auditor in accordance with proper practices and the receipt of regular reports from the Internal auditor, if any, which shall be required at least annually;

25.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;

25.1.5. procurement policies subject to standing order 25.3 below including the setting of values for different procedures where the contract has an estimated value of less than 10% of the precept.

25.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose

25.3. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of 10% of the precept shall be procured on the basis of a formal tender as summarised in standing order 25.4 below.

25.4. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

25.4.1. a specification of the goods, materials, services and the execution of works shall be drawn up

25.4.2. an invitation to tender shall be drawn up to confirm (i) the council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the council's written response to the tender;

25.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

25.4.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

25.4.5. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

25.4.6. tenders shall be reported to and considered by the appropriate meeting of Council.

25.5. The Council , is not bound to accept the lowest value tender

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

26. Expenditure payment and delegation

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

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

26.3. Orders for payment of money shall be authorised by resolution of the Council in a meeting and signed by two councillors, authorised as bank signatories by the council's bank

26.4. The council has delegated authority to the clerk to ensure payments are properly made in a timely manner for annual insurance renewals, the grass cutting contract monthly invoices, the parish litter picking lunar invoices, annual subscriptions of the council and clerk, and the clerk's basic monthly salary

26.5. Payment of the above may be made without further reference as long as the Chairman and at least one other councillor is notified and each payment shall be authorised at the following ordinary meeting of the Council under standing orders 14.4.9 and 17.1.3

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

27. Handling staff matters *(see Member Officer Protocol below)*

27.1. A matter personal to a member of staff that is being considered by a meeting of council or the Staffing committee is subject to standing order 5 above

27.2. The Staffing Committee is responsible for all management of the Clerk and shall keep written records of all meetings relating to performance and capabilities, grievance and disciplinary matters. Full Minutes of meetings of the committee will not be circulated to councillors due to Data Protection rules; a summary of recommendations shall be presented to the council

27.3. The chairman of the Staffing Committee shall conduct an annual review of the performance and/or appraisal of the clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the committee and a written report to the council

27.4. Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman of the committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the committee

27.5. Subject to the council's policy regarding absences from work, the Clerk shall notify the chairman of the Staffing committee of absence occasioned by illness or other reason and the chairman shall report such absence to the Staffing committee at its next meeting

27.6. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure

27.7. The Council shall keep all written records relating to the clerk secure. All paper records shall be secured

and locked and electronic records shall be password protected and encrypted if possible.

27.8. Only persons on the Staffing Committee with responsibilities for the clerk shall have access to employee records referred to in standing orders 27.5 and 27.6 above if so justified.

27.9. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 27.5 and 27.6 above shall be provided only to the Chairman of the Staffing Committee.

28. Requests for information from the public

28.1. All requests from the public for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

28.2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Staffing Committee which shall have the power to do anything to facilitate compliance with the Acts, including the assistance of the Proper Officer in respect of Freedom of Information or Data Protection Acts requests as set out under standing order 9.2.10 above.

28.3. Vexatious or repetitious correspondence received will be acknowledged but not progressed any further and the sender shall be banned from speaking on the vexatious correspondence when attending council meetings

29. Relations with the press/media

29.1. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy on dealing with the press etc

29.2. Councillors in their capacity as councillors shall not provide oral or written statements or articles regarding the council, its business or other councillors to the press or other media unless first having been authorised by the council.

30. Communicating with District and County Councillors

30.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors of the District and County Council representing the area of the council.

30.2. Unless the Council otherwise determines, a copy of each letter sent to the District or County Council shall be sent to the ward councillors representing the area of the council

31. Standing orders generally

31.1. All or part of a standing order, **except one which incorporates mandatory statutory requirements**, may be suspended by resolution in relation to in relation to the consideration of an item on the agenda for a meeting.

31.2. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 16 above and will stand adjourned without discussion to the next ordinary meeting of the Council.

31.3. The Proper Officer shall provide a copy of the Council's standing orders and other documents in a prepared starter pack to a councillor upon delivery of his declaration of acceptance of office

31.4. The Chairman's decision as to the application of standing orders at meetings shall be final

31.5. A councillor's failure to observe standing orders more than once in a meeting may result in him being excluded from the meeting in accordance with the code of conduct

Hormead Parish Council

Member Officer Protocol

Introduction

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

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

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

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

2 Roles of Members and Officers

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

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

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

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

3 Respects and Courtesy

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

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This should prevail in all meetings and contacts whether formal or informal. This protocol should also inform behavior with external contacts e.g. from partner organizations to ensure that members and officers are conducting themselves in a way that is appropriate when representing the Council.

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

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

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

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

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

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

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

Hormead Parish Council

Member Officer Protocol

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

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

4 Officer Support to the Council

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

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

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

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Member Officer Protocol

resolved informally if possible using appropriate line management and, where appropriate progressing through relevant Council procedures where more formal resolution becomes necessary.

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

5 Members Access to Documents

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

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

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

6 Information and Advice to Members

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

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

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

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

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Member Officer Protocol

is not impeded and to ensure that the officer can set aside an appropriate amount of time to meet with and concentrate on a member or group of members.

7 Representing Interests

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

8 Communication and Advice

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

9 Public Relations and Press Releases

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

10 Disputes

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

Adopted at the council meeting on 21/3/2013

R E Denham (Chairman)

C W Marks (Clerk)

Hormead Parish Council

Members' Code of Conduct (preamble)

Introduction

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

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

Definitions

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

Member obligations

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

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

Registration of interests

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later, he shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B
Upon the re-election of a member or the re-appointment of a co-opted member, he shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it
A member may only declare the existence but not the details of any interest which the Monitoring Officer agrees is a "sensitive interest". A sensitive interest is one which if disclosed on a public register, could lead the member or person connected with the member to be subject to violence or intimidation

Hormead Parish Council

Members' Code of Conduct (preamble)

Declaration of interests at meetings

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

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

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

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

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

Dispensations

On a written request made to the Council's Proper Officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he has an interest in Appendices A 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.

Defunct Interests

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

Hormead Parish Council

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

As a member or co-opted member of Hormead Parish Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

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

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

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

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

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

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

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

REGISTRATION AND DISCLOSURE OF INTERESTS:
Under requirements of the Localism Act 2011 (Sections 29-34) and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, within 28 days of becoming a member or co-opted member or at any other time during his term of office,, notice of Interests which fall into categories set out in Appendices A and B and personal interest arising in the course of his term will be submitted to the Monitoring Officer of the District Council and published on the council website.

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

Hormead Parish Council

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

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

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

Appendix A – Statutory Disclosure of Pecuniary Interests

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

Subject	***Description and details of the nature of each individual interest***
Employment, office, trade, profession or vocation	**Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.**
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 between his/her spouse or civil partner or the person with whom the member is living as if they were spouses or civil partners (or a firm in which such a person is a partner or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of*) and the Council —** **(a) under which goods or services are to be provided or works are to be executed; and** **(b) which has not been fully discharged**
Land	**Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners which is within the area of the Council.** **'Land' excludes and easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income**
Licences	**Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the relevant Authority for a month or longer.**
Corporate tenancies	**Any tenancy where (to the member's knowledge)—** **(a) the landlord is the Council; and** **(b) the tenant is a body in which the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director of or has a beneficial interest in the securities of.**
Securities	**Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities of a body where—** **(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and** **(b) either—** **the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or** **if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.**

- Any employment etc means details of any individual employments, self-employments, offices, trades, professions or vocations which provide income
- 'director' includes a member of the committee of management of an industrial and provident society
- *'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

***Appendix B* - Other Pecuniary or non-Pecuniary Interests not otherwise disclosed**
Interests not defined under section 30(3) of the Localism Act 2011, ***(effective from 1st July 2012)***.

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

(i) any body of which the member is in a position of general control or management and to which he is appointed or nominated by the Council
(ii) any other body or organisation —
  (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;
(iii) where a matter arises at a meeting relating to the body or organisation included in (i) or (ii) above in which the member has a declarable interest as an officer manager or advisor he must disclose the nature of that interest and not vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting.
(iv) Where a member of any body is appointed or nominated by the Council but is not in a position of general control or management he must disclose the nature of that interest and not vote on the matter. He may speak on the matter only if and when members of the public are also allowed to speak at the meeting

Any other personal pecuniary or non-pecuniary interest arising at a meeting must be registered with the Monitoring Officer within 28 days minuted by the Proper Officer and published on the council website

Where a member has a personal interest of a pecuniary nature in a specific matter arising at a meeting he must disclose the nature of that interest and not vote on the matter and leave the room immediately.

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

Any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office must be disclosed and registered in the minutes by the Proper Officer and published on the council website

NB: *For the avoidance of doubt, any matter relating to the safety of the community and the general public is the responsibility of the council as a whole and is not considered to breach the rules regarding personal interests of councillors (other than an interest in Appendix A).*