

Humbleton Parish Council
Standing Orders
Contents

Meetings	2	Expenditure	8
The Statutory Annual Meeting	2	Sealing of Documents	8
Chairman of the Meeting	2	Committees	8
Proper Officer	2	Special Meeting	9
Quorum of the Council	2	Voting in Committees	9
Voting	2	Presence of Non-Members of Committees at Committee Meetings	9
Order of Business	3	Accounts and Financial Statement	9
Urgent Business	4	Estimates/Precepts	10
Resolutions Moved on Notice	4	Interests	10
Resolutions Moved without Notice	4	Canvassing of and Recommendations by members	11
Questions	5	Inspection of Documents	11
Rules of Debate	5	Unauthorised Activities	11
Closure	6	Admission of The Public and Press to Meetings	11
Disorderly Conduct	7	Confidential Business	12
Right to Reply	7	Liaison with Unitary Councillors	12
Alterations of Resolution	7	Planning Applications	12
Rescission of Previous Resolution	7	Code of Conduct on Complaints	12
Voting on Appointments	7	Variation Revocation etc	13
Discussions and Resolutions Affecting employees of the Council	8	Financial Matters	13
Resolutions on Expenditure	8	Standing Orders to be given to Members	14

Humbleton Parish Council

STANDING ORDERS

MEETINGS

1. Meetings of the Council shall be held at Maple Garage, unless the Council decides otherwise at a previous meeting. Dates will be confirmed for the full year at the Annual General Meeting.
2. **The Statutory Annual Meeting of the Council (a) in an election year shall be held within FOURTEEN days after the date on which the Councillors at that election take office and (b) in a year which is not an election year shall be held on the first convenient Monday in May as the Council may decide.**
3.
 - a. The Chairman of the Council may call an EXTRAORDINARY MEETING of the Council at any time.
 - b. If the Chairman of the Council refuses to call an Extraordinary Meeting of the Council after a requisition for that purpose signed by TWO members of the Council, or if, without so refusing, the Chairman does not call an Extraordinary meeting of the Council within SEVEN days after such a requisition has been presented, then any TWO members of the Council may forthwith convene an Extraordinary meeting of the Council.

The summons shall set out the business to be considered at the EXTRAORDINARY meeting of the Council and no other business shall be transacted.

CHAIRMAN OF MEETING

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

PROPER OFFICER

5. The Proper Officer of the Council is the Clerk. The Responsible Financial Officer of the Council is the Clerk. Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description.

Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

QUORUM

- 6 Three members shall constitute a quorum at meetings of the Council.
7. If a quorum is not present when the Council meets or if during a meeting the number of Members, for whatever reason, 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 decide.

VOTING

8. **Members shall vote by a show of hands, or, if a member so requests, by**

Humbleton Parish Council

roll call or recorded ballot. That is to say the Clerk shall record the names of members who voted on any question so as to show whether they voted for or against it.

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

ORDER OF BUSINESS

(In an election year, Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

10. At each Annual General Meeting the first business shall be:
 - a) To elect the Chairman of the Council.
 - b) To receive the Chairman's declaration of acceptance of office of, if not then received, to decide when it shall be received.
 - c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - e) To elect a Vice-Chairman of the Council
 - f) To appoint representatives to outside bodies
 - g) To appoint committees and sub-committees
 - h) The order of business shall be stated on an agenda, which shall be delivered to each Member at least three clear days prior to the date of the meeting along with the summons convening the meeting and thereafter shall follow the order set out in standing order 12.
11. 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) and undertakings to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.
12. 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:

Humbleton Parish Council

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

URGENT BUSINESS

- 13. A motion to vary the order of business on the ground of urgency
 - (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - (b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

- 14. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
- 15. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in order in which it was received and shall enter it in a book which shall be open to inspection to every member of the Council.
- 16. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 17. 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.
- 18. Every resolution or recommendation shall be relevant to some question over which the Council has power or duties, which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

- 19. Resolutions dealing with the following matters may be moved without notice:
 - (a) To appoint a Chairman of the meeting;

Humbleton Parish Council

- (b) To correct the Minutes;
- (c) To approve the Minutes;
- (d) To alter the order of business;
- (e) To proceed to the next business;
- (f) To close or adjourn the debate;
- (g) To refer a matter to a committee;
- (h) To adopt a report;
- (i) To authorise the sealing of documents;
- (j) To amend a resolution;
- (k) To give leave to withdraw a resolution or an amendment;
- (l) To extend the time limit for speeches;
- (m) To exclude the public. (*See Order 63 below*)
- (n) To silence or eject from the meeting a member named for misconduct;
(*See Order 32 below*)

QUESTIONS

- 20. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided 2 clear days notice of the question has been given to the person to whom it is addressed.
- 21. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 22. Every question shall be put and answered without discussion.
- 23. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 24. No discussion shall take place at any meeting upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 25.
 - (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 motion shall exceed FIVE minutes, and no other speech shall exceed THREE minutes except by the 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.

Humbleton Parish Council

- (f) An amendment shall not have the effect of negating the motion before the Council.
- (g) If an amendment be carried, the motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) 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.
- (j) A member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- (k) 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.
- (l) 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 leaves the meeting;
 - (vii) That the resolution be referred to a committee;
 - (viii) To exclude the public and press;
 - (ix) To adjourn the meeting.
- (m) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes

26. A member shall stand when speaking unless permitted by the Chairman to sit.

27.

- (a) The ruling of the Chairman on a point of order or on the admissibility of the personal explanation shall not be discussed.**
- (b) Members shall address the Chairman;**
- (c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.**
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.**

CLOSURE

28. At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded the Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If

Humbleton Parish Council

the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

- 29.
- (a) All members must observe the Code of Conduct which was adopted by the Council on 16th May 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 scandalise the Council or bring it into contempt or ridicule.
 - (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
 - (d) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

30. 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 AMENDMENT

31. A member may, with the consent of his seconder, reword his/her own motion/amendment.

RESCISSION OF PREVIOUS RESOLUTION

- 32.
- (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 6 members of the Council, or in pursuance of a recommendation of a committee.
 - (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

33. 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

Humbleton Parish Council

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

34. 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 has excluded the public and press from the meeting. (See standing order No. 58)

EXPENDITURE

35. Orders for the payment of money shall be authorised by resolution of the Council and signed in accordance with the bank mandate, with not less than 2 signatories, one of whom should be the RFO (*See Financial Regulations of the Council*)

SEALING OF DOCUMENTS

36. The Council's Common seal shall alone be used for sealing documents. It shall be applied, after resolution by Council, by the proper officer in the presence of two members who shall sign the document as witnesses.

COMMITTEES

37. The Council may at the 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, and
 - (b) may at any time dissolve or alter the membership of a committee. (Subject to SO 34)
 - (c) shall follow the procedure in the selection of the membership of committees:
 - (i) Full Council will decide the makeup of all committees and their composition will be announced at the Annual General Meeting.
 - (ii) To enable the panel to carry out its task, at least 7 days in an election year or 14 days in a non election year before the Annual Meeting, Councillors are required to indicate their choice of the committees in order of preference.
 - (d) If a Member fails throughout six consecutive months to attend any meetings of the Council and of its committees or sub-committees of which he or she is a Member, shall, unless the failure was due to some reason approved by the Council before the expiry of that period (or for statutory reasons), cease to be a Member of the Council.
38. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in his absence. If at any meeting the Chairman and the Vice-Chairman are absent, the committee shall elect a Chairman from that meeting from among their number pro tem.
39. 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

Humbleton Parish Council

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.

40. Every committee may appoint sub-committees for purposes to be specified by the committee.
41. 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 and working party meetings.

VOTING IN COMMITTEES

42. Members of committees and sub-committees shall vote by show of hands.
43. **Chairman 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

44. a) 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.
b) Any member of the Council shall be entitled to be present as a spectator at the meetings of any committees or sub-committee of which he is not a member, with the exception of the Personnel Committee.

ACCOUNTS AND FINANCIAL STATEMENT

45.
 - (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 Chair and Vice Chair of the committee, if any, having charge of the business to which it relates, or by 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.
46. The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of Income and Expenditure where possible.

Humbleton Parish Council

ESTIMATES / PRECEPTS

- 47.
- (a) The Council shall approve written estimates for the coming financial year not later than its meeting in the month of January.
 - (b) Any committee desiring to incur expenditure shall, not later than November, recommend to the Council a written estimate of the expenditure recommended for the coming year

INTERESTS

48. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 16th May 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

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.

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

Humbleton Parish Council

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 50.
- (a) Canvassing of members 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 shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
51. Standing Order No. 50 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

52. 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. Guidance shall be taken from the adopted "Protocol on Member / Officer Relations".
53. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

54. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council;
- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
 - (b) issue orders instructions or directions

Unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

55. At all meetings of the Council or committees 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, or to ask questions of the Council or Councillors. A period of 15 minutes may be set aside for this public forum. The public shall be admitted to all meetings of the Council and its committees and sub-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."

(Notes: The special reasons should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable

Humbleton Parish Council

to exclude the public. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).

56. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
57. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

58. (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.

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 UNITARY COUNCILLORS

59. A notice of meeting shall be sent together with an invitation to attend to all Councillors.
60. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Principal Council shall be transmitted to the appropriate Councillor for the ward as the case may require.

PLANNING APPLICATIONS

61. (a) The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council in a manner it sees fit:
- (i) the date on which it was received;
 - (ii) the name of the applicant;
 - (iii) the place to which it relates;
 - (iv) a summary of the nature of the application
- (b) The Clerk shall make available every planning application to the Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman prior to the Committee Meeting.
- (c) The Clerk shall record the Council's view on the planning application.

CODE OF CONDUCT ON COMPLAINTS

62. The Council shall deal with complaints of misadministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board of England.

Humbleton Parish Council

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

63. 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.
64. 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.

FINANCIAL MATTERS

65. 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 £65,000.
 - 2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £65,000 shall be procured on the basis of a formal tender as summarised in (3) below.
 - 3) Any formal tender for an amount in excess of £65,000 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.
 - 5) The Financial Regulations of the Council shall be subject to regular review, at least once every two 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.

Humbleton Parish Council

STANDING ORDERS TO BE GIVEN TO MEMBERS

66. 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 office and acceptance of office and undertaking to observe the Code of Conduct.

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).

Humbleton Parish Council

- (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.

General obligations

3.— You must treat others with respect.

- (6) 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⁽¹⁾);
 - (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.

2. 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.

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

4. 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

⁽¹⁾ 2006 c.3.

Humbleton Parish Council

- (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.

5. Paragraph 7 does not apply to your authority.

Part 2 Interests

Personal interests

- 6.—(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

Humbleton Parish Council

(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;
- (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

7.—(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

8.—(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.

Humbleton Parish Council

9. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

10.—(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

11.—(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

12.—(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.

Humbleton Parish Council

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

Humbleton Parish Council

- 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.