



Wooburn & Bourne End Parish Council

Standing Orders

Issue: V4

29 March 2022

Standing Orders - Index

1	Council Meetings and Protocols	Page 2
1.1	Meeting Procedures	4
1.2	Agendas	4
1.3	Quorum	5
1.4	Rules of Debate	5
1.5	Voting	6
1.6	Rescission of Previous Resolutions	6
1.7	Variation, Revocation and Suspension of Standing Orders	7
1.8	Motions	7
1.9	Questions from Councillors	8
1.10	Public Participation and the Media	8
1.11	Relations with the Press/Media	9
1.12	Relationship with Buckinghamshire Councillors	9
1.13	Complaints	9
2	Code of Conduct	Page 10
2.1	Joint Statement	10
2.2	General principles of Councillor conduct	11
2.3	Application of the Code of Conduct	11
2.4	Standards of Councillor conduct	12
2.5	General conduct	12
2.6	Bullying, harassment and discrimination	12
2.7	Impartiality of officers of the council	13
2.8	Confidentiality and access to information	13
2.9	Disrepute	13
2.9.1	Use of position	14
2.9.2	Exercising independent judgement	14
2.9.3	Use of local authority resources and facilities	14
2.9.4	Complying with the Code of Conduct	15
2.9.5	Interests as a councillor	15
2.9.6	Gifts and hospitality	15
	Appendices	17
A	The Seven Principles of Public Life	17
B	Registering Interests	17
3	Committees	Page 23
3.1	Committee Procedures	23
3.2	Working Parties	23
3.3	Extraordinary Meetings	23
3.4	Advisory Committees	23
4	Finance	Page 24
4.1	Expenditure	24
4.2	Accounts and Financial Statement	24
4.3	Financial Matters	24
4.4	Estimates/Precepts	24
4.5	Tenders	24
4.6	Assets	25
4.7	Financial Bands	25

Appendices		Page 27
A	Committees and Working Parties Terms of Reference	27
A1	Finance & General Purposes Committee (F&GP)	27
A2	Open Spaces, Allotments & Burials	28
A2.1	Open Spaces – Terms of Reference	28
A2.2	Allotments – Terms of Reference	29
A2.3	Burials – Terms of Reference	29
A3	Planning, Highways & Lighting	30
A3.1	Planning – Terms of Reference	30
A3.2	Highways – Terms of Reference	31
A3.3	Lighting – Terms of Reference	31
A4	Working parties	32
B	Proper Officer (Clerk)	Page 34
B1	Job Description	34
B2	Power of Wellbeing	35
B3	Minutes	35
B4	Inspection of Documents	36
B5	Execution and Sealing of Legal Deeds	36
B6	Matters Affecting Council Employees	36
B7	Standing Orders to be given to Councillors	37
B8	Obligations for Councillors to be Trained	37
C	Chairmanship	Page 37
C1	Deciding Who Chairs a Meeting	37
	Reference NALC Booklet	

1. Council Meetings and Protocols

1.1 Meeting Procedures

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b. In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d. 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.
- e. Meetings shall not exceed a period of 2 hours and only continue after that time with a majority vote.
- f. The Parish Council is an independent body, with neither it nor Councillors aligned with any political party.

1.2 Agendas

Following the election of the Chairman and Vice-Chairman of the Council at the Annual Meeting, the order of business shall be as follows:

- a. Agenda items for the Annual Meeting
 - i In an election year, delivery by councillors of their declarations of acceptance of office
 - ii Confirmation of the accuracy of the minutes of the last meeting of the Council, and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii Review the delegation arrangements to committees and Working parties, employees and other local Authorities.
 - iv Receipt of nominations for existing Committees.
 - v In a year of elections, if a Council's period of eligibility to exercise the Power of Wellbeing expired the day before the Annual Meeting, to review and make arrangements to reaffirm eligibility.
 - vi Review of representation on or to work with external bodies and arrangements for reporting back.
 - vii Review of the Council's and/or employees' memberships of other bodies.
 - viii Setting the dates, times and venue of Ordinary meetings of the Full Council for the year ahead.
- b. Agenda Items to be considered during the next year
 - i Establishing or reviewing the Standing Orders and financial regulations.
 - ii Review of the terms of references for committees.
 - iii Appointment of any new committees, confirmation of their terms of reference, the number of members (including, if appropriate, co-opted members) with, where relevant, reviews of other local authorities and their contributions to expenditure incurred.
 - iv Review of inventory of land and assets including buildings and office equipment.
 - v Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - vi Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the GDPR Act 2018.
 - vii Establishing or reviewing the Council's policy for dealing with the press/media.
 - viii Establishing or reviewing the Council's policy for dealing with Complaints.

1.3 Quorum

- a. No business may be transacted at any formal meeting unless at least one third of the whole number of members of the Council are present and in no case shall the Quorum of a meeting be less than 3.
- b. For Working Parties, the quorum is 50% of the membership Standing Order A4i.
- c. If a meeting is, or becomes inquorate, no business shall be transacted, and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned will be dealt with at the next meeting

1.4 Rules of Debate

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b. Subject to standing orders 1.8, a motion shall not be considered unless it has been proposed and seconded.
- c. Subject to standing order 1.4(a) above, a motion included in an agenda, not moved by the councillor who tabled it, may be treated as withdrawn.
- d. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f. Any amendment to a motion shall be:
 - i to leave out words
 - ii to add words
 - iii to leave out words and add other words.
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h. 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.
- i. Subject to Standing Order 1.4(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j. Pursuant to standing order 1.4(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m. The mover of a motion or the mover of an amendment shall have a right of reply.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o. Subject to standing orders 1.4(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.

- p. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q. A point of order shall be decided by the Chairman and his decision shall be final.
- r. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s. Subject to standing order 1.4(o) above, when a Councillor's motion is under debate no other motion shall be moved except:
 - i to amend the motion,
 - ii to proceed to the next business,
 - iii to adjourn the debate,
 - iv to put the motion to a vote,
 - v to ask a person to be silent or for him to leave the meeting,
 - vi to refer a motion to a committee or sub-committee for consideration,
 - vii to exclude the public and press,
 - viii to adjourn the meeting,
 - ix to suspend any standing order, except those which are mandatory.
- t. In respect of standing order 1.4(s) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

1.5 Voting

- a. Subject to model standing order 1.3 (c) above, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- b. The Chairman 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.
- c. Unless standing orders provide otherwise, voting on any question shall be by a 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.
- d. Voting on appointments. Where more than 2 persons have been nominated for a position to be filled by the Council, and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

1.6 Rescission of Previous Resolutions

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council or by a motion moved in pursuance of the report or recommendation of a committee. In either case the reason for the request must be given.
- b. When a special motion, or any other motion moved pursuant to standing order 1.4 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

1.7 Variation, Revocation and Suspension of Standing Orders

- a. Any and every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific of business.
- b. A motion to permanently add to or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried, unless two-thirds of the Councillors at the meeting of the Council vote in favour of the same.

1.8 Motions

- a. Motions requiring written notice:
 - i In accordance with standing order Appendix B1 (b) (iii), 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 5 clear days before the next meeting.
 - ii The Proper Officer may, before including a motion in the agenda received in accordance with standing order 1.8(a. i) above, correct obvious grammatical and typographical errors in the wording of the motion.
 - iii If the Proper Officer considers the wording of a motion received in accordance with standing order 1.8(a. i) 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 5 clear days before the meeting.
 - iv 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.
 - v Having consulted the Chairman or councillors pursuant to standing order 1.4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
 - vi Every motion received in accordance with the Council's standing orders shall be dated and stored and open to inspection by all Councillors.
 - vii 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 for that purpose, which shall be open to inspection by all Councillors.
 - viii Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- b. Motions not requiring written notice
Motions in respect of the following matters may be moved without written notice:
 - i to appoint a person to preside at a meeting.
 - ii to note the absences of Councillors.
 - iii to approve the accuracy of the minutes of the previous meeting.
 - iv to correct an inaccuracy in the minutes of the previous meeting.
 - v to dispose of business, if any, remaining from the last meeting.
 - vi to alter the order of business on the agenda for reasons of urgency or expedience.
 - vii to proceed to the next business on the agenda.
 - viii to close or adjourn debate.
 - ix to refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x to appoint a committee or working party or any Councillors (including substitutes) thereto.

- xi to receive nominations to a committee or working party.
 - xii to dissolve a committee or working party.
 - xiii to note the minutes of a meeting of a committee or working party.
 - xiv to consider a report and/or recommendations made by a committee or working party or an employee.
 - xv to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi to authorise legal deeds to be sealed by the Council's common seal AND signed by two Councillors and witnessed (see Standing Orders Appendix B5).
 - xvii to authorise payment of monies up to the approved budget level.
 - xviii to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix to extend the time limit for speeches.
 - xx to exclude the press and the public for all or part of a meeting.
 - xxi to silence or exclude from the meeting, a Councillor or a member of the public for disorderly conduct
 - xxii to give consent of the Council if such consent is required by standing orders.
 - xxiv to adjourn a meeting.
 - xxv to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of the outside bodies on which they sit.
 - xxvi to answer any questions from Councillors.
- c. If a motion falls within the terms of reference of a committee sub-committee or working party, or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-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.

1.9 Questions from Councillors

- a. A Councillor may seek an answer to a question concerning any business of the Council provided 3 clear days' notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.

1.10 Public Participation and the Media

- a. Meetings shall be open to the public 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. 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.
- b. Subject to standing order 1.10(c) below, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- c. The period of time [which is at the Chairman's discretion] OR [which is designated for public participation in accordance with standing order 1.10(d) below, shall not exceed 10 minutes.
- d. Subject to standing order 1.10(e) below, each member of the public is entitled to speak once only in respect of business itemised on the agenda.
- e. In accordance with standing order 1.10(d) 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.

- f. In accordance with standing order 1.10(g) below, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- g. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- h. A person shall raise his hand when requesting to speak.
- i. Any person speaking at a meeting shall address his comments to the Chairman.
- j. 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.
- k. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.
- l. In accordance with standing order 1.10(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

1.11 Relations with the Press/Media

- a. All responses to press/media requests must be written by the Clerk in conjunction with the appropriate Chairman / Councillor.
- b. 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 in respect of dealing with the press and/or other media.
- c. In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

1.12 Relationship with Buckinghamshire Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillors of the Unitary Council representing their electoral ward.

1.13 Complaints

- a. All complaints against a Councillor to be referred to Finance and General Purposes Committee for informal investigation.
- b. All complaints to be referred to the Monitoring Officer at the Principal Authority. The Monitoring Officer may seek the views of the Parish Council before deciding whether the complaint merits formal investigation. This is Stage 1 of the Principal Authority's investigation.
- c. If Council is dissatisfied with the Monitoring Officer's response the complaint progresses to Stage 2. It will then be considered by the Monitoring Officer in consultation with a duly appointed Independent Person.
- d. If a complaint is serious enough to merit formal investigation it progresses to Stage 3, where an Investigating Officer will take over. The Investigating Officer will decide what documents need to be seen and who needs to be interviewed. The Investigating Officer will produce a draft report for approval of all involved and then a final report for the Monitoring Officer.
- e. If there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will state no further action is required.
- f. If there is evidence of a failure to comply with the Code of Conduct the matter could go to the Hearings Panel or consultation with the Independent Person and the complainant, to agree on a fair resolution. This resolution may include the Councillor accepting that his/her conduct was unacceptable and offering an apology, and/ or other remedial action by the Authority. If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Committee on Standards in Public Life and the Parish Council for information,

but will take no further action. If the complainant states the suggested resolution/s would not be adequate, the Monitoring Officer will refer the matter to the Hearings Panel.

- g. Councillors have the right to refer themselves to the Monitoring Officer.

2. Code of Conduct

2.1. Joint statement

The role of Councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Councillor affects the reputation of all Councillors. We want the role of Councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

All Councils are required to have a local Councillor Code of Conduct.

The Council will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member of Wooburn and Bourne End Parish Council or co-opted member of a committee or sub-committee. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a. is a member of any committee or sub-committee of the authority, or,
- b. is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct the definition is extended to include those persons who come within a) and b) whether or not they are entitled to vote.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The Council encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

2.2 General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

2.3 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

Subject to (a) and (b) below this Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor
 - (a) If you act as a representative on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
 - (b) When you act as a representative of the Council on another authority, you must, when acting for that authority, comply with that other authority's code of conduct.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

2.4 Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

2.5 General Conduct

Respect

As a Councillor:

- **I treat other Councillors and members of the public with respect.**
- **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and seek guidance from the Council, with a view to reporting the matter to the relevant social media provider or the police where appropriate.

This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor officer protocol.

2.6. Bullying, harassment and discrimination

As a Councillor:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

2.7 Impartiality of officers of the council

As a Councillor:

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

2.8. Confidentiality and access to information

As a Councillor: I do not disclose information:

- a. **given to me in confidence by anyone**
- b. **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - I. **I have received the consent of a person authorised to give it;**
 - II. **I am required by law to do so;**
 - III. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - IV. **the disclosure is:**
 1. **reasonable and in the public interest; and**
 2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
 3. **I have consulted the Monitoring Officer prior to its release.**

I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

2.9. Disrepute

As a Councillor:

I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

2.9.1. Use of position

As a Councillor:

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

2.9.2. Exercising Independent Judgement

As a Councillor:

- **I exercise my own independent judgement, taking decisions for good and substantial reasons.**

When making decisions you are expected to act in the public interest and as part of this to attach appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups.

Good and substantial reasons will include paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Section 151 Officer and the Monitoring Officer.

As part of your decision making and, for full transparency where the reasons for your decision are not otherwise apparent or required to be detailed, you will also be expected to state the reasons for your decisions.

2.9.3. Use of local authority resources and facilities

As a Councillor:

- **I do not misuse Council resources.**

I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers

- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

2.9.4. Complying with the Code of Conduct

As a Councillor:

- **I undertake Code of Conduct training provided by my local authority.**
- **I cooperate with any Code of Conduct investigation and/or determination.**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

2.9.5. Interests

As a Councillor:

- **I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

2.9.6. Gifts and hospitality

As a Councillor:

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact the Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Personal Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Personal Interests

6. Where a matter arises at a meeting which is a Personal Interest as set out in Table 2, you must disclose the interest.
7. Unless your Personal Interest is also a Prejudicial Interest within Table 3, you may still speak on the matter and take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter is a Personal Interest within **Table 2** and also a Prejudicial Interest under **Table 3** You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried-on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, 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 Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate tenancies	Any tenancy where (to the Councillor's knowledge): (a) the landlord is the Council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities** of.
Securities	Any beneficial interest in securities** of a body where: (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and (b) either (i) the total nominal value of the securities** exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

** 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Personal Interests

You have a **personal interest** in any business of your authority where:

1. it relates to or is likely to affect any body of which you are a member or in a position of general control or management and:
 - a) to which you are nominated or appointed by your authority
or
 - b) the body
 - (i) exercises functions of a public nature
 - (ii) is directed to charitable purposes or
 - (iii) one of its principal purposes includes the influence of public opinion or policy (including any political party or trade union)
2. 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 other council tax-payers, ratepayers or inhabitants of the ward affected by the decision.
3. A relevant person is –
 - a) A member of your family or any person with whom you have a close personal 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; or
 - 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 person or body of a type described in paragraph 1 above.

Table 3: Prejudicial Interests

Prejudicial Interest Generally

- 1.1. Subject to Paragraph 1.2, where you have a **personal interest** in any business of the Council you also have a **prejudicial interest** in that business where the interest is one which a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
- 1.2. You do **not** have a **prejudicial interest** in any business of the Council where that business—
- a. does not affect your financial position or the financial position of a person or body described in Paragraph 3 of **Table 2** above,
 - b. does not relate to the determining of any approval, consent, license, permission or registration in relation to you or any person or body described in Paragraph 3 of **Table 2** above; or
 - c. relates to the functions of the Council in respect of:
 - i an allowance, payment or indemnity given to Councillors;
 - ii any ceremonial honour given to Councillors; and
 - iii setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests Arising in Relation to Select Committees

- 1.3. You **will** have a **prejudicial interest** in any business before a Select Committee of the Council (or of a sub-committee of such a committee) where—
- a. that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees, sub-committees, joint committees, or joint sub-committees; and
 - b. at the time the decision was made, or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee, or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made, or action was taken.

3 Committees

3.1 Committee Procedures

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

- i shall determine their terms of reference,
- ii may permit committees to determine the dates of their meetings,
- iii shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting,
- iv may appoint substitute councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend,
- v an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 3.1(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting,
- vi may in accordance with standing orders, dissolve a committee at any time.

3.2 Working Parties

Unless there is a Council resolution to the contrary, every committee may appoint a Working Party whose terms of reference and members shall be determined by resolution of the committee.

3.3 Extraordinary Meetings

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 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.
- c. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or Working Party at any time.
- d. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 Councillors, those 2 Councillors may convene an extraordinary meeting of a Committee (or a Working Party). The statutory public notice giving the time, venue, and agenda for such a meeting must be signed by 2 Councillors.

3.4 Advisory Committees

- a. The Council may appoint advisory Committees comprised of a number of Councillors and non-Councillors.
- b. Advisory committees and any Sub-Committees may consist wholly of persons who are non-Councillors.

4 Finance

4.1 Expenditure

- a. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. The Council's financial regulations shall be reviewed once a year.
- c. 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, Working Party or to an employee.

4.2 Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b. The Responsible Financial Officer shall supply to each Councillor at each full Council meeting in each year a statement summarising the Council's receipts and payments for each month and the balances held at the end of a month. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June

4.3 Financial Matters

- a. 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:
 - i the accounting records and systems of internal control,
 - ii the assessment and management of financial risks faced by the Council,
 - iii the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually,
 - iv the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments,
 - v procurement policies including the setting of values for different procedures where the contract must be in line with standing order 4.5.
- b. Any proposed contract for the supply of goods, materials, services and the execution of work with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in the Financial Regulation.
- c. Any formal tender process shall comprise the following steps:
 - i a public notice of intention to place a contract to be placed in a local newspaper,
 - ii specification of the goods, materials, services and the execution of works shall be drawn up,
 - iii tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time,
 - iv tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council,

- vi tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e. Where the value of a contract is likely to exceed the values in standing order 4.5. (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.

4.4 Estimates/Precepts

- a. The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

4.5 Tenders

Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items 4.5 a(i-vi) below:
 - i for the supply of gas, electricity, water, sewerage and telephone services,
 - ii for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants,
 - iii for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant,
 - iv for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council,
 - v for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council),
 - vi for goods or materials proposed to be purchased which are proprietary articles and/or sold at only a fixed price.
- b. Where it is intended to enter into a contract exceeding band C in standing order 4.7. in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in standing order 4.5, the Clerk shall invite tenders from at least three firms.
- c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.

- f. If less than three tenders are received for contracts above band C in standing order 4.7 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 4.3(c).
- h. When it is to enter into a contract less than band A in standing order 4.7 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph 4.5(a) the Clerk or RFO shall obtain 3 estimates (priced descriptions of the proposed supply); where the value is above band B in appendix 1 (b) the Clerk or RFO shall strive to obtain 3 quotations. Otherwise, standing order 4.5 (f) above shall apply.
- i. Where the value of a contract is likely to exceed D in standing order 4.7 (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.
- j. The Council shall not be obliged to accept the lowest of any tender, quote or estimate.

4.6 Assets

- a. The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- b. No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed the amount in 4.7 viii.
- c. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection

4.7 Financial Bands

	Amount
i Unbudgeted expenditure by Clerk	£5,000
ii Band A Where estimate is needed below	£3,000
iii Band B Where 3 quotations are needed above	£5,000
iv Band C Where tender needs to be advertised	£60,000
v Band D Where tender needs to comply with UK Local Government procurement rules	£138,000
vi Where special arrangements need to be made for safe custody and must appear on the asset register.	£250
vii Amount of unbudgeted project which must be referred to F & G P.	All
viii Maximum Asset Value for asset sold without F&GP approval must be reported to F&GP.	£50

Appendices

A Committees and Working Parties Terms of Reference

A1 Finance and General Purposes Committee (F&GP)

Constitution 8

This Committee has 8 members composed of the following:

- i Chairman of the Council
- ii Vice-Chairman of the Council
- iii Chairman and Vice Chairman of Open Spaces, Allotments & Burials Committee
- iv Chairman and Vice Chairman of Planning, Highways & Lighting Committee
- v 2 other Councillors at the discretion of the F&GP Committee

Powers and Functions

General management, through the Clerk, of all matters not subject to another Committee:

- i Employment matters
- ii Risk Assessment / Health & Safety
- iii Maintenance of all Parish Council property and assets.
- iv Insurances
- v The Overall Council budget including:
 - General Accounts
 - Reserves
 - Projects
 - Precept
 - Management Accounting Reports
 - Policy matters
- vi Other matters needing to be dealt with as a matter of urgency
- vii Standing Orders

Terms of Reference

- a. To act as a Personnel Committee, dealing with all employment matters and salaries, including discipline and training where necessary in line with existing procedures.
- b. To appoint an interview panel to select a list of candidates to go for interview, interview and offer the position to the successful candidate. That recommendation is then approved at the next Full Council meeting.
- c. To convene a panel to hear and consider grievances and disciplinary meetings and to, following procedure, dismiss that person if that is the decision.
- d. To receive and approve the Budgets proposed by other Committees for final approval at Full Council.
- e. To manage the approved budgets with authority to move funds but without exceeding the overall spending levels. Additional spend affecting the General Fund will need Full Council approval.
- f. To ensure the Council's financial responsibilities are met.
- g. To oversee the maintenance of all Council property and assets
- h. To deal with Health and Safety matters.

- i. To ensure that all insurance is up to date and adequate.
- j. To consider applications for grant aid from outside bodies.
- k. To consider, when necessary, any advice or recommendations from other Committees, if relevant to any of the functions listed above.

A2 Open Spaces, Allotments & Burials Committee

Constitution: 13 members

Powers and Functions

In pursuance of the above, to spend up to the maximum on any previously agreed and allocated budget item without further reference to the Full Council or the Finance and General Purposes Committee. Any spending that has not been previously agreed during the budget cycle will be sent for approval at the next appropriate Full Council meeting.

A2.1 Open Spaces - Terms of Reference

- a. The overall management and maintenance of all open spaces owned or leased by this Council; to include making such provision for their upkeep and improvement as is deemed necessary by the Committee. This will be carried out via the Clerk to the Council.
- b. The management and maintenance of all related facilities including the sports pitches and changing rooms, trees on Council land, street furniture all plant and machinery, play equipment and any other item which may properly be considered to come within the remit of this Committee, by virtue of being on or within an open space. To repair and replace any such item within the agreed budget.
- c. To determine and define any policies appertaining to the open spaces, their care, use and maintenance.
- d. To make adequate budget provision for all open spaces and facilities within the care of the Committee. Such budgets will be recommended to the Finance and General Purposes Committee and hence to Full Council, for final approval.
- e. To consider and make budget provision for the provision of play equipment, and to purchase and install the same within a realistic replacement programme.
- f. To consider and recommend to the Finance and General Purposes Committee, via the Clerk, appropriate staffing levels to ensure that the duties of the Council towards the open spaces are met.
- g. To deal with any complaints or requests related to the open spaces and associated facilities.
- h. To consider and make recommendations related to health and safety issues where they are relevant to the work of this Committee, and to ensure as far as possible that all legal requirements are met.
- i. To consider and advise on training and staff issues where the Committee may rightly be said to have an interest. This will include training staff on the use of machinery and on any health and safety issues. It may also include training for the Clerk and members of the Committee, where appropriate. Such recommendations will be taken to the Finance and General Purposes Committee and will be via the Clerk.
- j. To deal with any urgent items that arise appertaining to any open space or related facilities. In the case of an emergency, power to act will be devolved to the Clerk to the Council in consultation with the Chairman of the Committee. Any such action taken must be reported at the next Committee meeting.
- k. From time to time, there will be liaison with other Committees where this is deemed appropriate.

A 2.2 Allotments - Terms of Reference

- a. The general management of all Allotment Sites, including fixing an appropriate level of rent for each site. To check that this is collected annually.
- b. To make suitable budget provision for the effective running of the Allotments. Such budgets will be recommended to the Finance and General Purposes Committee, and then to Full Council for final approval.
- c. To formulate any policy for the Allotments, in line with any existing policies of the Council.
- d. To recommend to Full Council any areas of land to be acquired for the provision of new allotments, should the Committee deem such acquisition to be necessary.
- e. To organise the Annual Allotments Competitions and to arrange judging as necessary.
- f. To deal with any complaints raised.
- g. To liaise, via the Clerk, with the Allotments Manager/s to ensure the Allotments are running smoothly. To take advice from the Clerk and the Allotments Manager/s on any related issues that are of concern to plot holders.
- h. From time to time, to liaise with other Committees, on any items of mutual interest, or to exchange advice or make requests.
- i. Where necessary, to make recommendations regarding the provision of equipment, goods, services or staffing levels where these are shown to have an effect upon the work of the Committee, or to ensure that the service to the public is effective.
- j. To ensure all conditions of tenancy are complied with.
- k. In the event of any emergency arising, power to act is devolved to the Chairman of the Committee in consultation with the Vice Chairman and the Clerk. Where possible, the opinion of the Allotments Manager/s will be sought. Any action so taken will be reported at the next Committee meeting.

A2.3 Burials - Terms of Reference

- a. The general management, via the Clerk, of the Cemetery in Town Lane and the Old Cemetery.
- b. To make adequate budget provision for the Cemeteries and their upkeep, and to present and to recommend the same to the Finance and General Purposes Committee; following which budgets will be sent to Full Council for approval.
- c. To set an appropriate level of fees for interments and all related burials issues, including the erection of monuments, within the Cemetery. To review these on a regular basis to ensure that they are commensurate with charges made elsewhere.
- d. To determine and define any policies necessary to ensure the smooth running of the Cemetery. These should be in line with any policies made by the Council as a whole.
- e. To set the policy and regulations for the Cemetery Extension, which will be recommended to Full Council for approval.
- f. To ensure that the Cemetery Regulations as a whole are workable, reasonable and up to date. To review these regularly, and to amend them as and when necessary.
- g. To ensure that the grounds are kept in good order, and to deal with any complaints or comments arising.
- h. To maintain the Old Cemetery as a nature reserve, and to manage it in line with Council policy.
- i. To consider and recommend to the Finance and General Purposes Committee appropriate staffing levels where necessary, to ensure that the duty of the Council towards the upkeep of the Cemeteries

are met. To consider and make recommendations on staffing issues where the Committee may rightly be said to have an interest in the same.

- j. To consider and make recommendations related to safety in the Cemetery, and to ensure as far as possible that all legal requirements are met.
- k. To recommend the purchase of any equipment necessary for the safe upkeep of the Cemetery - this may be done in consultation with any other Committee where that is deemed appropriate. Where budget provision is made, such equipment may be bought without further reference.
- l. From time to time the Committee may liaise with other Committees where there are issues of mutual interest.
- m. In the event of any emergency arising, power to act is devolved to the Chairman of the Committee in consultation with the Vice Chairman and the Clerk. Any action so taken will be reported at the next Committee meeting.
- n. To recommend the acquisition of more land for burial purposes should that at any time become necessary.

A3 Planning, Highways & Lighting Committee

Constitution: 12 members

Powers and Functions

In pursuance of the above, to spend up to the maximum on any previously agreed or allocated budget item without further reference to Full Council or the Finance and General Purposes Committee. Any spending that has not been agreed or budgeted for previously, will be sent to Full Council for approval.

A3.1 Planning - Terms of Reference

The Clerk shall, as soon as it is received, keep a record of the following particulars of every application notified to the Council.

- 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.
- a. The Committee has delegated powers to consider all planning applications received by the Council, to make site visits that may be necessary and to make recommendations as are determined by members to Buckinghamshire Council, Planning Department within the time limits set by them.
 - b. Where a planning issue requires urgent comment, the Chairman and Vice Chairman of the Committee, in consultation with the Clerk, and a Committee member for the area (if available) and with advice from the Planning Assistant, shall be given delegated authority to make comment. This decision should be advised to the next meeting of the Committee. The power should be used only where there is no time to convene a normal meeting, in order to meet the Buckinghamshire Council deadlines.
 - c. To encourage members to take advantage of the opportunity to speak on particular planning applications at Buckinghamshire Council Development Control Meetings. Where possible, the Committee member speaking should be the designated member for the area under consideration.
 - d. To note representations from the public on individual planning applications and from developers on submitted planning applications on large and important sites.
 - e. To consider and formulate planning policy and to review this as and when changes take place.

- f. To ensure our comments reflect the statements set out in the Conservation Area Surveys, any Village Design Statement/Community Plan that might be produced and the **adopted Wycombe District Local Plan or its Buckinghamshire successor**; and to ensure they take note of changes in any of these and any other policy documents that take place in the future.
 - g. To consider and comment on any related planning matters that are drawn to the attention of the Committee by main Council or other Committees, and where necessary, take decisions on such issues.
 - h. To respond to any consultation documents related to planning issues that are notified to the Committee and that require comment.
 - i. To consider and recommend to Finance and General Purposes Committee, or Full Council, any training or the purchase of any publications that will assist the Committee or its Officers to work more effectively.
- J To “call in” to the planning authority, any plans the committee deems necessary.

A3.2 Highways - Terms of Reference

- a. Collects details of improvements to roads, pavements and Rights of Way that can be reported to the Local Area Technician / Rights of Way Officer.
- b. At least once per year the Committee will meet with Officers from the Highways, Transportation and Environment Department of the County Council.
- c. May also liaise with Buckinghamshire Council on any plans it may have for improvement to the local environment.
- d. The Committee has delegated powers to consider all Highways and Environment consultations received by the Council, to make site visits that may be necessary and to make such comments as are determined by members to Buckinghamshire Council.
- e. Where an issue requires urgent comment, the Chairman and Vice Chairman of the Committee, in consultation with the Clerk, and a Committee member for the area (if available), shall be given delegated authority to make comment. This decision should be advised to the next meeting of the Committee. The power should be used only where there is no time to convene a normal meeting, in order to meet the consultation deadlines.
- f. To note representations from the public on consultations.
- g. To consider and formulate Council policy in the area of Highways and Environment and to review this as and when changes take place. To present to Council for ratification.
- h. To consider and comment on any related planning matters that are drawn to the attention of the Committee by main Council or other Committees, and where necessary, take decisions on such issues but present its recommendations to Council.
- i. To consider and recommend to Finance and General Purposes Committee, or Full Council, any training or the purchase of any publications that will assist the Committee or its Officers to work more effectively.

A3.3 Lighting - Terms of Reference

- a. General management, via the Clerk, of all street lighting in the side roads within the Parish. Lighting in the main through roads is the responsibility of Buckinghamshire County Council.
- b. To replace, on a regular programme, old or sub-standard street lighting columns. Where appropriate, to plan new lighting schemes and update old ones.

- c. To make adequate budget provision for lighting needs within the Parish. Budgets will be recommended to F&GP and then to Full Council for final approval.
- d. To determine and define any policies appertaining to lighting matters within the Parish, and to recommend the same to Full Council. Any such policies should be in line with those made by the Council as a whole.
- e. To review lighting needs on a regular basis.
- f. To ensure that faulty street lights are reported to lighting contractor, and to deal with any complaints that are made.
- g. To advise on relevant health and safety matters; such advice to be sent via the Clerk to the Finance and General Purposes Committee and/or Full Council as appropriate.
- h. From time to time there will be liaison with other Committees where and if this is deemed to be appropriate.
- i. To deal with any urgent items related to lighting. In the case of an emergency, such power will be devolved to the Chairman of the Committee, in consultation with the Vice Chairman and the Clerk. Any action so taken will be reported to the next meeting of the Committee.

A4 Working Parties

Purpose

Working Parties are established by Council or a Committee to research an issue and make recommendations to the parent Committee or Council.

Constitution

- i A minimum of 3 Councillors with no maximum membership. A quorum is half that membership i.e., 3 out of 5 and 6 members, 2 out of 3 and 4 members.
- ii Councillors should be mindful of their personal interests before allowing their names to be submitted to be a member of a Working Party.
- iii The Working Party may recommend that persons other than members of the Council may sit on the Working Party but not vote. The decision is made by the parent Committee, which may, at any time dissolve or alter the membership of a Working Party.

All Working Parties should invite to attend and receive notes of meetings, to the Chairman of Council and parent Committee Chairman (if different)

When establishing a Working Party, the Council or Committee should have all the following in place,

- i Clear Terms of Reference (ToR) but may ask the Working Party to present its ToR as the first Report.
- ii Key outcomes expected.
- iii Dates by when, stages of the study will be completed including the final report. If a delay is expected, then that must be reported.
- iv If necessary, a budget.
- v A Working Party may not continue beyond the next Annual General Meeting of Council. If the work needs to continue, then the Working Party must be stood down prior to the election and re-established with reconsidered Terms of Reference at the first meeting of the parent body in the new Council.
- vi It will be normal for a Working Party not to be given an end date greater than a year.

Terms of Reference

- a. Reporting will be via the written notes of each meeting to the parent body that set up the Working Party. A W/P cannot ever make a decision but any decision required to be made needs to be agreed by the parent body.
- b. The Working Party should elect a Chairman for the period of the study.
- c. The job of a Working Party is to collect evidence to support (or not) a potential project
- d. It may carry out a survey, but must get agreement from the parent Committee for any expenditure

Appendix B Proper Officer (Clerk)

B1 Job Description

- a. The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders. This person cannot be an existing member of this Council.
- b. The Council's Proper Officer shall do the following:
 - i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee or sub-committee at least 3 clear days before the meeting. The email must have an electronic signature of the Clerk or acting Clerk.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a Working Party (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
 - iii. Subject to standing orders 1.8(a) - (c) above, include in the agenda all motions in the order received unless a Councillor has given written notice at least 2 days before the meeting confirming his withdrawal of it.
 - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order B1(b)i] OR B1(b)ii] above.
 - v. Make available for inspection the minutes of meetings.
 - vi. Receive and retain copies of byelaws made by other local authorities.
 - vii. Receive and retain declarations of acceptance of office from Councillors.
 - viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - ix. Keep proper records required before and after meetings.
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - xiii. Arrange for legal deeds to be sealed using the Council's common seal OR to be signed by 2 Councillors and witnessed.
 - xiv. 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.
 - xv. Record every planning application notified to the Council and the Council's response to the local planning authority.
 - xvi. Refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any)]

of the Planning, Highways & Lighting Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning, Highways & Lighting Committee

- xvii 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.

B2 Power of Wellbeing

- a. Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b. The Council's period of eligibility begins on the date that the resolution under Standing Order B2(a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c. After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order B2(b) above.

B3 Minutes

- a. If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read
- b. No discussion of the draft minutes of a preceding meeting shall take place, except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 1.8(a.iv) above.
- c. 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.
- d. 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.

"The Chairman of this meeting does not believe that the minutes of the meeting of the (?) held on (date) in respect of (?) were a correct record, but his view was not upheld by the majority of the (?) and the minutes are confirmed as an accurate record of the proceedings"
- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- f. The minutes of a meeting shall record the names of Councillors present and absent.
- g. Prior to the meeting, Councillors must submit their reasons for absence to the Clerk and Chairman.
- h. 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. (See also standing order 2.1)

B4 Inspection of Documents

Subject to standing orders to the contrary or in respect of Council matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

B5 Execution and Sealing of Legal Deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. In accordance with a resolution made under Standing Order B5(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council, who shall sign the deed as witnesses.

B6 Matters Affecting Council Employees

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council and the Finance & General Purposes committee, or in his absence, the Vice-Chairman of the Council and the Finance & General Purposes committee of any absence occasioned by illness or urgency.
- c. The Chairman of the Council and the Chairman of the Finance & General Purposes committee shall upon a resolution conduct a 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 Finance & General Purposes committee
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Council and the Chairman of the Finance & General Purposes committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council following recommendations of the Finance & General Purposes committee.
- e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee, relates to the Chairman or Chairman of the Finance & General Purposes committee this shall be communicated to another member of the Council and this matter shall be reported back and progressed by resolution of the Council following recommendations of the Finance & General Purposes committee.
- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. Only persons with line management responsibilities shall have access to employee records referred to in standing orders B6(g) and (h) above if so justified.

- j. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders B6(g) and (h) above shall be provided only to (post holder) and/or the Chairman of the Council OR [the () committee] OR [the () sub-committee].

B7 Standing Orders to be Given to Councillors

- a. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.
- c. A Councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

B8 Obligations for Councillors to be trained

- a. Every new Councillor is obliged to attend an induction course covering:
 - i What a Parish Council can do
 - ii The roles and responsibilities of Chairmen, Councillors and Clerk
 - iii An opportunity for participants to ask questions and speak to
 - iv Councillors from other Councils and share experiences.

This will normally consist of an initial meeting with the Chairman, followed by meetings with Committee Chairmen.

- b. Councillors should attend one training session for any of the areas of Parish business that interests them, but particularly for those Committees on which they sit:
 - i Finance & General Purposes
 - ii Open Spaces, Allotments & Burials
 - iii Planning, Highways & Lighting
- c. New Chairmen of Committees should attend one session of training on Chairmanship, intended to give them experience of carrying out the role.
- d. New Chairmen of the Council should attend two session training on this role with actual experience of carrying out the role on the training sessions. Some of the session should cover the life of a Chairman, as few will know what the role calls for, outside of the chairing of main Council.

The relationship with the Clerk and Councillors, access to sources of information, etc., are important areas of learning.
- e. Meetings shall not exceed a period of two hours, and only continue after that time with a majority vote.

Appendix C Chairmanship

C1 Deciding Who Chairs a Meeting

- a. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- b. The Chairman, if present shall preside at a meeting. If the Chairman is absent from a meeting, the Deputy Chairman, if present, shall preside. If both Chairman and Deputy Chairman are absent from a meeting, a Councillor as chosen by Councillors present at the meeting shall preside at the meeting.

Reference NALC Booklet