

## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Grafton Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

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

## **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

## **Member obligations**

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

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

## **Registration of interests**

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

## **Declaration of interests at meetings**

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Clerk of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Clerk, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Clerk of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Clerk, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not

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vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

15. On a written request made to the Clerk, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

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### **Appendix A**

Interests described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner 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 member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

### **Appendix B**

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

## **1. Rules of debate at meetings**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- 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 other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a 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 no longer heard or 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; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (10) minutes without the consent of the chairman of the meeting.

## **2. Disorderly conduct at meetings**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

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- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **3.Meetings generally** ■ Full Council meetings ■ Committee meetings ■ Sub-committee meetings

- a 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.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].
- ■ d 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.
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed (15) minutes unless directed by the chairman of the meeting. See Public Forum below for guidance on public forum elements of the meetings
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than (5) minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- ■ l Photographing, recording, broadcasting or transmitting the proceedings of a meeting is now permitted providing a written request is provided or with the Chairman's agreement
- ■ m The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.
- o The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- ■ ■ p Subject to a meeting being quorate (3), all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- ■ ■ q The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*
- r Unless standing orders provide otherwise, voting on a 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.
- s The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- ■ ■ t A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is

subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

- u No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.
- v See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.
- w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- x A meeting shall not exceed a period of (3) hours.

### **4. Committees and sub-committees**

- a Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Clerk (3) days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee.

### **5. Ordinary council meetings**

- 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 7.15pm.
- 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 The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an

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original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:
- i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xv. Review of the council's and/or staff subscriptions to other bodies;
  - xvi. Review of the council's complaints procedure;
  - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - xviii. Review of the council's policy for dealing with the press/media; and
  - xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

### **6.Extraordinary meetings of the council and committees and sub-committees**

- 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 seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place 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 the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within (10) days of having been requested by to do so by (2) members of the committee or the sub-committee, any (3) members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

### **7.Previous resolutions**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (2) councillors to be given to the Clerk in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

### **8.Voting on appointments**

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

### **9. Motions for a meeting that require written notice to be given to the Clerk**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Clerk at least (3) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Clerk may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Clerk considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Clerk so that it can be understood at least (3) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Clerk 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 in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Clerk as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in the minutes of the next full meeting
- h Motions rejected shall be recorded in the minutes of the next full meeting with an explanation for their rejection.

### **10. Motions at a meeting that do not require written notice**

The following motions may be moved at a meeting without written notice to the Clerk;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

### **11. Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

### **12. Draft minutes**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, 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 meeting and the minutes are confirmed as an accurate record of the proceedings."



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

### **13.Code of conduct and dispensations**     *See also standing order 3(t) above.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
  - b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
  - c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
  - d Dispensation requests shall be in writing and submitted to the Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
  - e A decision as to whether to grant a dispensation shall be made [by the Clerk] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.
  - f A dispensation request shall confirm:
    - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
    - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
    - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
    - iv. an explanation as to why the dispensation is sought.
  - g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].
- A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
  - ii. granting the dispensation is in the interests of persons living in the council's area or
  - iii. it is otherwise appropriate to grant a dispensation.

### **14.Code of conduct complaints**

- a Upon notification by the County Borough OR County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Clerk shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Clerk, the Clerk shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Clerk in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- d Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

### **15.The clerk** (Proper Officer)

- a When the Clerk is absent it is necessary to nominate a non-councillor to undertake the work of the clerk.
- b The Clerk shall:
  - at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Clerk.  
*See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.*
  - i. give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);

*See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.*

- ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least (4) days before the meeting confirming his withdrawal of it;
- iii. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iv. facilitate inspection of the minutes on the parish website by local government electors;
- v. receive and retain copies of byelaws made by other local authorities;
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. arrange for legal deeds to be executed;  
*See also standing order 22 below.*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. Assist the Planning Co-ordinator to record every planning application notified to the council and the council's response to the local planning authority using references to the County planning portal;
- xiv. refer a planning application received by the council to the Planning Co-ordinator within two working days of receipt to facilitate the convening of an interim planning meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council;
- xv. manage access to information about the council via the publication scheme; and
- xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.  
*See also standing order 22 below.*

### **16.Responsible Financial Officer**

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

### **17.Accounts and accounting statements**

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council's receipts and payments for each quarter;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

### **18.Financial controls and procurement**

- 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 keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices 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; and
  - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Clerk;
  - v. tenders shall be opened by the Clerk in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.
- g The Council shall undertake to provide full liability insurance for all councillors and employees, insurance for the Coronation Hall building, contents, use and legal expenditures.
- h A complete assets register shall be maintained by the Clerk who will recommend when work is required to maintain these assets in good order and to ensure that they are insured.
- i The Council shall ensure that the playing fields, adjacent to Sunflowers of Grafton, are regularly maintained and that all equipment is regularly inspected for safety to comply with insurance requirements.

### **19.Handling staff matters**

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairman or, if he is not available, the vice-chairman of absence occasioned by illness or other reason and that person shall report such absence to the next meeting.
- c The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Council.

### **20.Requests for information**

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Clerk to the chairman of the Council which shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

### **21.Relations with the press/media**

A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

- a film, photograph or make an audio recording of a meeting;

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- b use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

### **22.Execution and sealing of legal deeds** See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.]
- c The above is applicable to a council without a common seal.

### **23.Communicating with District and County or Unitary councillors**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor of the District/County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

### **24.Restrictions on councillor activities**

Unless authorised by a resolution, no councillor shall:

- i. inspect any land and/or premises which the council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

### **25.Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least (3) councillors to be given to the Clerk in accordance with standing order 9 above.
- c The Clerk shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

### **26.Public Forum**

The Council is unable to make decisions during public participation time.

The following procedure applies:

- a Questions and presentations of petitions by parishioners shall be allowed on matters affecting the parish during the public forum of each meeting of the Council or Committee.
- b The question must be relevant to the business of the Council or Committee.
- c The Chairman shall endeavour to allow a balanced range of views from those wishing to participate.
- d Questions to Council (Planning) Meetings shall be relevant to a specific item/s on the Agenda. Preference will be given to parishioners of Grafton although non-parishioners will be permitted to speak, subject to the time constraints below.
- e The period allowed for questions and the presentation of petitions shall not exceed ten minutes except with the consent of the Chairman of the meeting. Questions need not be submitted in advance in writing, but questions presented in that form are more likely to receive a detailed reply and shall be taken first.
- f Each individual questioner and presenter of a petition shall be restricted to a total of three minutes.
- g Questions shall be directed to the Chairman of the meeting who may request another Member or an Officer to reply.

Answers to questions may take the form of:

- a A direct oral response.
- b When the desired information is contained in a publication, reference to that publication.
- c When it is more convenient to do so, a written answer subsequent to the meeting.

Every question shall be put and answered without discussion although the questioner shall be permitted to ask one supplementary question relating to that question.

Questions shall not be permitted that relate to the individual affairs of either the questioner or any other named person but should only relate to matters of policy or practice, i.e. matters of general rather than individual concern. The Chairman of the meeting shall disallow any question that is, in his opinion, scurrilous, improper, capricious, irrelevant or otherwise objectionable.

Once the meeting agenda has commenced, the public are not at liberty to speak unless invited to do so by the chair. It is a meeting of the council as a local authority, not a meeting of residents, therefore only members of the council speak. If it makes sense for someone, who is not a councillor, to speak at the agenda item rather than before the meeting, they may be invited to do so. Standing Orders are temporarily suspended because a member of the public is not subject to standing orders. Standing Orders are suspended during the public forum and the business of the meeting temporarily adjourned.

Where a councillor has a disclosable pecuniary interest in a matter being discussed, they are prohibited from participating in discussion on the matter and from voting. The council's standing orders may say if the councillor is expected to leave the room or not but if it does not specify, the councillor in question should consider whether or not they would be breaching the Code of Conduct and the seven principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. The Code of Conduct does not permit a member of the council with a disclosable pecuniary interest to stay in the room even sitting with the public. If a councillor has another interest as outlined in appendix B, which is not a disclosable pecuniary interest, they are not permitted to vote on the matter but may speak on the matter if members of the public are allowed to speak at the meeting.

If a clerk had submitted a planning application and they had previously been delegated the power to deal with applications, it would not be appropriate for the clerk to respond. Such a planning application would need to go to the council for consideration. Employees are not bound by the members' Code of Conduct but are restricted by job description, contract, the agreed delegation of decisions and recognised conduct of an employee. The clerk, as employee, would not generally take part in the discussion as it is a members discussion but they may find it more appropriate to leave the room, with a member taking minutes, to enable the council to speak more freely.

### **27.Planning application procedures – general rules**

Planning authorities are required to notify parish councils of planning applications in their area. This then gives the parish councils the power to come to a decision on what their response to those applications is. It is not a decision about the outcome of the application but rather on what they are going to comment/suggest/recommend about the application or whether or not they support the application (and if not, why not). The decision on the outcome of the application is that of the planning authority.

The parish council is not obliged to notify members of the public about planning applications. It would be considered best practice to notify residents (through website and notice boards) about the agenda items which are to be discussed – including planning applications – this is general notification rather than targeted.

When reaching a decision about parish council business (and this is classed as a decision because the council is deciding its views), a parish council may do one of the following:

- a The decision takes place at a properly constituted meeting. It is an agenda item for that meeting and those required to attend the meeting (i.e. councillors) are notified of the business to be transacted (in this case, the planning application details) at least three clear days' before the meeting is to take place
- b Decisions on planning applications (and other matters) may be delegated to a committee (under s101 of the Local Government Act 1972). There could be a committee of fewer people set up to deal with planning applications. These meetings may be called when necessary but require commitment from fewer people. The same three clear days' notice for meetings is required as above. The full decision on the council's response to the planning application could be delegated to the committee so there is no need for full council input (although there could be feedback from the committee at each council meeting).
- c Decisions on planning applications (and other matters) may be delegated to an officer of the council (i.e. the clerk). The council could decide (and minute) the types of applications which could be delegated to the clerk and which they are going to address themselves. For example they could delegate the clerk to respond to tree applications – this could be in consultation with members of the council but the decision would have to be the clerk's because there is no legal process for councillors making decisions individually or outside of meetings.
- d The council could decide to only respond to applications which meet certain criteria (as defined by the council itself). This could form part of the council's standing orders, or, if the council decided to go down the committee route – the committee's terms of reference and scheme of delegation.

The planning authority has a requirement to notify the parish council but the council is not obliged to respond to all applications.

The parish council is required to hold a public meeting when making a decision (so full council and committee meetings). If the decision is being made by the clerk a public meeting is not required so decisions about trees, chimneys, are delegated to the clerk following receipt of comments from Councillors.

The council is not required to notify all members of the parish individually about anything. There are legal requirements to place meeting agendas in conspicuous places (i.e. notice boards) and on the council's website.

A quorum for a full council meeting is three. A committee may have fewer members but it is recommended that three attend as this is the quorum for a committee because it allows for a deciding vote if necessary. It does invalidate the meeting if there is no quorum. The response would either be no comment or no response would be given.

### **28.Planning procedures – delegated responsibilities.**

1. All Tree work applications (TCAs and TPOs) - Delegated powers to Clerk for these applications.
  - a. No meetings, agendas, minutes
  - b. No need for applications to be listed in minutes of following PC meeting.
  - c. Notify councillors about the plans and to invite comments.
  - d. Clerk to use comments received to form decision and notify Wilts, although no response essential.
  - e. Our Insurance definitely covers Clerk from any disputes so no personal risk involved.
2. FULs (Full planning), LBCs (Listed building consent), OUTs (Outline permission), CLEs (Cert of Lawfulness - Exist Use) and VARs (Variant to plans passed)
  - a. Clerk includes planning applications (reference, address, closing date and summary) at the end of normal PC meeting agenda.
  - b. Discuss any applications listed as part of the end of the meeting.
  - c. Book Hall for an afternoon hour in the month between normal meetings. Could use meeting room if main hall unavailable.
    - i. Simple agenda to list planning applications (reference, address, closing date and summary) for each meeting on Web/notice boards 3 days before meeting.
    - ii. If no applications received 3 days before scheduled meeting then no agendas posted, meeting cancelled by default – ie no cancellation notice required.
    - iii. Meeting is invalid if less than 3 Councillors – any councillors can attend (ie no sub-committee) to get best chance of required attendance.
    - iv. Need minutes but not necessary for Clerk to attend/take these – we could nominate a Chair for the meeting.
    - v. Summary of applications and decisions added to minutes of following PC meeting.
  - d. If application dates are not covered by the above.
    - i. Planning Co-ordinator/Clerk requests extension from Wilts to fit in with the above.
    - ii. Hold extra meeting if required – should be avoided at all costs.
    - iii. Clerk arranges extra meeting dates, hall, agenda, notices etc prepared/published.

### **29. Risk assessment**

The Parish Council shall be responsible for ensuring;

- a. No works are undertaken, by a Councillor, or employee of the council, without a risk assessment being carried out prior to the works commencing
- b. All proposed unplanned and ad hoc works are to be submitted to the Finance and Admin Committee for approval prior to commencement, together with a completed risk assessment.
- c. Risk assessments are reviewed on a regular basis to ensure compliance with this policy.
- d. All known hazards associated with the task to be completed are identified to the persons undertaking the work