

# LONGPARISH PARISH COUNCIL

## REVISED STANDING ORDERS – ISSUE ONE (FEBRUARY 2011)

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NB: Items in **BOLD** type in the Standing Orders reflect statutory requirements.

## **1. STANDING ORDER 1 – COMPOSITION AND ELECTION OF COUNCIL**

1.1 The Parish Council will consist of 10 Councillors, and will be presided over by an elected Chairman and Vice Chairman.

1.2 Councillors will normally be elected every 4 years in accordance with the timetable for District Council elections. Full details of the election and co-option procedure are contained in the attached document.

## **2. STANDING ORDER 2 - PROCEDURES FOR COUNCIL MEETINGS**

2.1 Meetings will normally take place in the Longparish Community Hall at 1930 hours. **If this is not possible or appropriate, they will 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.**

2.2 **When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a Bank Holiday or a day appointed for public thanksgiving or mourning will not count.** For a meeting on Monday, the notice (including the agenda) will therefore normally be issued on the preceding Wednesday.

2.3 **Meetings will 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 will be by a resolution which will give reasons for the public's exclusion.**

2.4 Subject to Standing Order 2.3, 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.

2.5 The period of time for public participation in accordance with Standing Order 2.4 and the conduct of any such period are at the Chairman's discretion.

2.6 A summary record of a public participation session at a meeting will be included in the minutes of that meeting.

2.7 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.**

2.8 **In accordance with Standing Order 2.3, the press will 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.**

2.9 **Unless indicated otherwise by a specific Standing Order, anything authorised or required to be done by, to or in front of the Chairman may in his absence be done by, to or in front of the Vice-Chairman.**

2.10 **The Chairman, if present, will preside at a meeting. If the Chairman is absent from a meeting, the Vice Chairman, if present, will preside. If both the Chairman and the Vice Chairman are absent from a meeting, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.**

**2.11 Subject to Standing Order 2.18, all questions at a meeting will be decided by a majority of the Councillors present and voting thereon.**

**2.12 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.**

**2.13 Unless a specific Standing Order dictates otherwise, voting on any question will be by a show of hands. If requested by a Councillor, the voting on any question may be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request must be made before moving on to the next item of business on the agenda.**

**2.14 The minutes of a meeting will record the names of Councillors present and absent (including the names of those who have offered their apologies).**

**2.15 The Code of Conduct adopted by the Council will apply to Councillors in respect of the entire meeting.**

**2.16 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, will be recorded in the minutes.**

**2.17 No business may be transacted at a meeting unless a quorum is present. A quorum is one third of the number of Councillors rounded up (i.e. normally 4). A quorum must, however, consist of a minimum of 3 Councillors.**

**2.18 If a meeting is, or becomes, inquorate, no business will be transacted and the meeting will be adjourned. Any outstanding business of a meeting so adjourned will be transacted at a following meeting.**

### **3. STANDING ORDER 3 – ANNUAL MEETING OF THE COUNCIL**

**3.1 In an election year, the statutory annual meeting of the Council will be held on or within 14 days following the day on which the new Councillors elected take office.**

**3.2 In a year that is not an election year, the annual meeting of the Council will be held on the second Monday in May.**

**3.3 In addition to the annual meeting of the Council, the Council will organise an Annual Parish Meeting open to all electors at which the Council, other elected representatives and local organisations will report to electors on their activities over the preceding year. This Meeting will take place between 1 March and 31 May.**

**3.4 The election of the Chairman and Vice Chairman of the Council will be the first business completed at the annual meeting of the Council.**

**3.5 The Chairman of the Council, unless he or she resigns or becomes disqualified, will continue in office and preside at the annual meeting of the Council until his or her successor is elected.**

3.6 **The Vice Chairman of the Council, unless he or she resigns or becomes disqualified, will hold office until immediately after the election of the Chairman of the Council at the annual meeting of the Council.**

3.7 **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he or she will preside at the meeting until a successor has been elected. The current Chairman of the Council will 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.**

3.8 **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he or she will preside at the meeting until a new Chairman of the Council has been elected. He or she may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

3.9 Following the election of the Chairman and Vice Chairman of the Council at the annual meeting of the Council, the order of business will be as follows:

3.9.1 In an election year, delivery by Councillors of their declarations of acceptance of office.

3.9.2 Confirmation of the accuracy of the minutes of the last meeting of the Council.

3.9.3 Review of delegation arrangements to Committees and Working Parties.

3.9.4 Review of membership of Committees and Working Parties.

3.9.5 Election of Chairmen of Committees and Working Parties.

3.9.6 Review of the terms of reference for Committees and Working Parties.

3.9.7 Review and adoption of appropriate Standing Orders and financial regulations.

3.9.8 In an election year, if the Council's period of eligibility to exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

3.9.9 Review of inventory of land and assets.

3.9.10 Review and confirmation of arrangements for insurance cover in respect of all insured risks.

3.9.11 Review of the Council's and Proper Officer's membership of other bodies.

3.9.12 Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

#### **4. STANDING ORDER 4 - ORDINARY COUNCIL MEETINGS**

4.1 Meetings of the Council will normally be held on the second Monday of the month.

4.2 Including the statutory annual meeting of the Council, the Council will normally meet once a month, except in August. **At least three ordinary meetings will be held in each year.**

4.3 The order of business at ordinary Council meetings will normally be as follows, unless the Chairman directs that a variation be made on the grounds of urgency, expedience or ease of working:

4.3.1 The Minutes of the last meeting of the Council.

4.3.2 Matters arising from the Minutes.

4.3.3 Urgent business expressly required by statute to be done.

4.3.4 Matters raised by parishioners attending the meeting.

4.3.5 Planning applications.

4.3.6 Financial report and authorisation of any payments.

- 4.3.7 Reports and recommendations from Committees and Working Parties.
- 4.3.8 Any other business specified in the agenda.
- 4.3.9 Correspondence and matters arising from it.
- 4.3.10 Notification of any other items of information or for discussion at the next meeting.

## **5. STANDING ORDER 5 – PROPER OFFICER**

5.1 The Council's Proper Officer will be the Clerk or such other person as may be nominated by the Council from time to time to take the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the person appointed to act as such during the Proper Officer's absence will fulfil the duties assigned to the Proper Officer in Standing Orders.

5.2 The Council's Proper Officer will do the following:

5.2.1 **Serve on Councillors by electronic means a summons confirming the time, date, venue and agenda of a meeting of the Council at least 3 clear days before the meeting, provided any such email contains the electronic signature and title of the Proper Officer.**

5.2.2 **Give public notice on the village notice-boards at the Village Shop and Forton Street of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (and, if necessary, an extraordinary meeting of the Council convened by Councillors, provided that the public notice with agenda of such a meeting is signed by them).**

5.2.3 **Convene a meeting of the full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office.**

5.2.4 Make available for inspection the minutes of meetings.

5.2.5 **Receive and retain copies of byelaws made by other local authorities.**

5.2.6 **Receive and retain declarations of acceptance of office from Councillors.**

5.2.7 Retain a copy of every Councillor's register of interests and any changes to it, and keep copies of the same available for inspection.

5.2.8 Keep proper records required before and after meetings.

5.2.9 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.

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

5.2.11 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

5.2.12 Arrange for legal deeds to be signed by 2 councillors and witnessed.

5.2.13 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.

5.2.14 Record the details of every planning application notified to the Council, including the date of receipt and the property affected, and the Council's response to the local planning authority.

5.2.15 Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

## **6. STANDING ORDER 6 – PLANNING APPLICATIONS AND TREE WORKS NOTICES**

6.1 The Proper Officer will refer a planning application received by the Council to the Chairman of the Council, or in his absence the Chairman of the Planning 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 Committee.

6.2 The Proper Officer will refer any notification of tree works received by the Council to the Chairman of the Council or, in his absence, the Chairman of the Planning Committee, within 2 working days of receipt. They will, in turn, consult the Tree Warden where possible, and, if the deadline is short, circulate their agreed recommendation to Councillors by email. This will then be accepted as the Council's decision provided at least 2 Councillors agree, unless it is controversial (i.e. one or more Councillors disagrees), in which case a meeting will be called.

## **7. STANDING ORDER 7 – AGENDA-SETTING**

7.1 The Chairman and the Proper Officer will consider items for inclusion on the agenda of a full Council meeting at least 3 clear days before the next meeting, assisted by anyone requested by the Chairman.

7.2 Any Councillor can put forward an item for inclusion on the agenda, provided he or she gives a minimum of 7 days' notice in writing or by electronic means to the Proper Officer. No motion, other than one put forward by the Chairman, may be moved at a meeting unless the item to which it pertains has been included in the agenda.

7.3 The Proper Officer may, before including a motion in the agenda, correct obvious grammatical or typographical errors in the wording of the motion and will reject any motion that he or she considers to be unclear.

7.4 Every motion rejected in accordance with the Council's Standing Orders will be duly recorded by the Proper Officer.

7.5 Every motion and resolution must relate to the Council's statutory functions, powers and lawful obligations or to an issue that specifically affects the Council's area or its residents.

## **8. STANDING ORDER 8 - RULES OF DEBATE**

8.1 Any resolution must be proposed and seconded, and, after discussion, be put to the vote, unless it is withdrawn by the proposer.

8.2 Any amendment to the resolution must be proposed and seconded and will be discussed and put to the vote before the original resolution.

8.3 Councillors will address the Chairman, and will be silent when the Chairman speaks.

8.4 Any Councillor may request that the question be now put, or the debate adjourned, and, if the Chairman considers that there has been adequate discussion, a vote will be taken.

## **9. STANDING ORDER 9 – REVERSAL OF DECISIONS**

9.1 A decision of the Council may not be reversed within 6 months except by a special resolution written and signed by 5 Councillors, or by a resolution following the recommendation of a Committee or Working Party.

## **10. STANDING ORDER 10 – CODE OF CONDUCT**

10.1 All Councillors will observe the Code of Conduct adopted by the Council, which is attached to these Standing Orders.

10.2 Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may make representations, answer questions and give evidence relating to the business being transacted but must, thereafter, leave the room.

10.3 Councillors may exercise the rights contained in Standing Order 10.2 only if members of the public are permitted to make representations, answer questions and give evidence relating to the business being transacted.

## **11. STANDING ORDER 11 – MINUTES**

11.1 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 will be taken as read.

11.2 No discussion of the draft minutes of a preceding meeting will take place except in relation to their accuracy.

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

11.4 Once the accuracy of the minutes of a meeting has been agreed, any previous draft minutes or recordings of the meeting will be destroyed.

## **12. STANDING ORDER 12 – DISORDERLY CONDUCT**

12.1 No person may obstruct the transaction of business at a meeting or behave offensively or improperly.

12.2 If, in the opinion of the Chairman, there has been a breach of Standing Order 12.1 the Chairman will express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, will be put forthwith and without discussion.

12.3 If a resolution made in accordance with Standing Order 12.2 is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

## **13. STANDING ORDER 13 – VOTING ON APPOINTMENTS**

13.1 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 will be struck off the list and a

fresh vote taken. This process will continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

#### **14. STANDING ORDER 14 - EXPENDITURE**

14.1 Any expenditure incurred by the Council must be in accordance with the Council's financial regulations.

14.2 **The Council's financial regulations**, as outlined in the Standing Orders, **will be reviewed once a year.**

14.3 **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 Working Party or an employee.**

#### **15. STANDING ORDER 15 – EXECUTION OF LEGAL DEEDS**

15.1 A legal deed will not be executed on behalf of the Council unless it has been authorised by a resolution.

15.2 **In accordance with a resolution made under Standing Order 15.1, any 2 members of the Council may sign, on behalf of the Council, any deed required by law, and the Proper Officer will witness their signatures.**

#### **16. STANDING ORDER 16 – COMMITTEES AND WORKING PARTIES**

16.1 The Council may, at its annual meeting, appoint standing Committees and Working Parties (normally Planning Committee, Finance Working Party, Open Spaces Working Party, Communications Working Party and Footpaths Working Party) and may at any other time appoint such other Working Parties as may be necessary. The Council may also dissolve a Committee or Working Party at any time. If such Committees or Working Parties are appointed, the Council will:

- 16.1.1 Determine their composition.
- 16.1.2 Appoint their Chairman.
- 16.1.3 Agree their terms of reference (if required).
- 16.1.4 Recommend the frequency of meetings.

16.2 Working Parties may consist of both Councillors and non-Councillors, but non-Councillors will not be required to make a declaration of acceptance of office or a general declaration of interests. However, all members of Committees and Working Parties must observe the guidelines regarding declaration of interest in relation to any items raised at a meeting of a Committee or Working Party. Working Parties will not be empowered to make decisions, except when specific limited powers have been delegated by the Council, and their main role will be to make recommendations for endorsement by the Council.

#### **17. STANDING ORDER 17 – EXTRAORDINARY MEETINGS**

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

17.2 **If the Chairman of the Council does not call or refuses to call an extraordinary**

meeting of the Council within 7 days of having been requested to do so by 2 Councillors, those 2 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 2 Councillors.

## **18. STANDING ORDER 18 – ACCOUNTS AND FINANCIAL STATEMENTS**

18.1 All payments by the Council will be authorised, approved and paid in accordance with the Council's financial regulations, which will be reviewed annually. Orders for payment of money must be authorised by a resolution of the Council, unless they are within specified financial delegation limits, and must be signed by 2 Councillors.

18.2 The Proper Officer, as the Responsible Financial Officer, will, at every Council meeting, submit a statement summarising the Council's receipts and payments for the preceding period, the balances held, and a comparison with the budget for the financial year. The Statement of Accounts of the Council for the year to 31 March (which is subject to external audit), including the annual governance statement, will be presented to the Council for formal approval before 30 September.

18.3 The Responsible Financial Officer also:

18.3.1 Prepares financial reports for the Finance Working Party and the Council.

18.3.2 Prepares draft estimates with the Finance Working Party.

18.3.3 Submits the precept to the District Council.

18.3.4 Banks regularly all money received by the Council.

18.3.5 Ensures that all money due to the Council is billed and collected promptly.

18.3.6 Handles the overall management of payroll.

18.3.7 Takes overall responsibility for submission of VAT returns and deals with VAT inspections.

18.3.8 Prepares and balances, with the Finance Working Party, final accounts, and reports thereon to the Council.

18.3.9 Produces accounts and records for external audit in accordance with the regulations.

18.3.10 Submits to the Council at the ordinary meeting following the audit the auditor's list of notes and queries.

18.3.11 Manages insurance risk.

18.3.12 Processes claims as necessary.

18.3.13 Reports annually to the Council on insurance risk covered.

18.3.14 Maintains the Council's register of property and assets.

18.3.15 Sends an updated copy of the accounts schedule to the Chairman and Chairman of Finance after each Council meeting

## **19. STANDING ORDER 19 – ESTIMATES/PRECEPTS**

19.1 **The Council will formally approve written estimates** (as recommended by the Finance Working Party) **for the coming financial year at a meeting before the end of January.**

19.2 Any Working Party desiring to incur expenditure will give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the beginning of December.

## **20. STANDING ORDER 20 – INSPECTION OF DOCUMENTS**

20.1 Subject to Standing Orders to the contrary or in respect of matters that 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 Working Party and request a copy for the same purpose. The minutes of meetings of the Council will be available for inspection by all Councillors.

## **21. STANDING ORDER 21 – UNAUTHORISED ACTIVITIES**

21.1 Unless authorised by a resolution, no individual Councillor will, in the name of or on behalf of the Council or a Working Party:

21.1.1 Inspect any land and/or premises that the Council has a right or duty to inspect.

21.1.2 Issue orders, instructions or directions.

## **22. STANDING ORDER 22 – POWER OF WELL-BEING**

**22.1 Before exercising the power to promote well-being, a meeting of the full Council must have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**

**22.2 The Council's period of eligibility begins on the date that the resolution under Standing Order 22.1 was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**

**22.3 After the expiry of its preceding period of eligibility, the Council will continue to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being that was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 22.2.**

## **23. STANDING ORDER 23 – FREEDOM OF INFORMATION ACT 2000**

23.1 All requests for information held by the Council will be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

23.2 Correspondence from, and notices served by, the Information Commissioner will be referred by the Proper Officer to the Chairman of the Council. The Chairman, together with the assistance of any Councillors that they request, will have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including requiring the Proper Officer to deal with Freedom of Information requests set out under Standing Order 5.2.9.

## **24. STANDING ORDER 24 – RELATIONS WITH THE PRESS/MEDIA**

24.1 In accordance with the Council's policy in respect of dealing with the press and/or other media, Councillors will not, in their official capacity, provide oral or written statements or written articles to the press or other media unless authorised to do so by the Chairman or as the result of a resolution at a meeting of the full Council.

## **25. STANDING ORDER 25 – LIAISON WITH DISTRICT AND COUNTY COUNCILLORS**

25.1 An invitation to attend a meeting of the Council will be sent, together with the agenda, to the Councillor of the District and County Councils representing its electoral ward. If such a Councillor attends a meeting of the Parish Council, he or she will be treated as a guest and will have no more rights with regard to the business of the meeting than a member of the public.

25.2 Unless the Council orders otherwise, a copy of all letters concerning policy matters sent to the District or County Councils will be sent to the District or County Councillor representing its electoral ward.

## **26. STANDING ORDER 26 – FINANCIAL MATTERS**

26.1 The Council's financial regulations are incorporated in the Standing Orders, and, as such, will be reviewed annually. In addition, the Finance Working Party or the Responsible Financial Officer may recommend the inclusion of detailed arrangements in respect of the following:

26.1.1 The accounting records and systems of internal control.

26.1.2 The assessment and management of financial risks faced by the Council.

26.1.3 Procurement policies (subject to Standing Order 26.2) including the setting of values for different procedures where the contract has an estimated value of less than £5,000.

**26.2 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 will be procured on the basis of a formal tender as summarised in Standing Order 26.3.**

26.3 The formal tender process will comprise the following steps:

26.3.1 A public notice of intention to place a contract will be placed on the village notice boards at the Village Shop and Forton Street.

26.3.2 A specification of the goods, materials, services and the execution of works will be drawn up.

26.3.3 Tenders will be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time.

26.3.4 Tenders submitted will be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.

26.3.5 Tenders will then be assessed and reported to the appropriate meeting of the Council or the relevant Working Party.

26.4 Neither the Council, nor any Working Party, is bound to accept the lowest tender, estimate or quote.

**26.5 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.**

## **27. STANDING ORDER 27 – COMPLAINTS PROCEDURE**

27.1 Complaints about the Council's procedures or administration not relating to the Code of Conduct will be dealt with in accordance with the following procedure. This procedure does not cover complaints about the conduct of a Member of the Parish Council, which should be made to the TVBC Monitoring Officer, and complaints about a policy decision made by the Council will be referred back to the Council for consideration.

27.2 If a complaint is notified verbally to the Chairman, a Councillor or the Proper Officer, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint. The complainant must then put the complaint in writing to the Proper Officer, and it will then be dealt with within 10 working days of receipt. However, if the complainant prefers not to put the complaint to the Proper Officer (for example, because the matter relates to him or her) he or she will be advised to write to the Chairman.

27.3 On receipt of a written complaint, the Proper Officer (except where the complaint is about his or her own actions) or Chairman (if the complaint relates to the Proper Officer) will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts will be made to resolve the complaint at this stage.

27.4 The Proper Officer (or Chairman) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.

27.5 The Proper Officer (or Chairman) will report any complaint that has not been resolved to the next meeting of the Council. The Proper Officer will also notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council verbally.

27.6 The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at a Council meeting in public. As soon as possible after the decision has been made (and in any event not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

27.7 The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

## **28. STANDING ORDER 28 – VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

28.1 Any or every part of the Standing Orders, except those that are mandatory by law, may be suspended by resolution in relation to any specific item of business.

28.2 A motion to permanently add to, vary or revoke one or more of the Council's Standing Orders not mandatory by law will not be carried unless two-thirds of the Councillors at a meeting of the full Council vote in favour of the same.

## **29. STANDING ORDER 29 – ADHERENCE TO STANDING ORDERS**

29.1 The Proper Officer will provide a copy of the Council's Standing Orders to a Councillor on delivery of their declaration of acceptance of office.

29.2 The Chairman's decision as to the application of Standing Orders at meetings will be final.

29.3 A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with Standing Orders.

### **Attachments:**

**Election and Co-option Procedure.**

**Code of Conduct.**

# **ELECTION AND CO-OPTION PROCEDURE**

## **LONGPARISH PARISH COUNCIL**

### **ELECTION AND CO-OPTION OF PARISH COUNCILLORS**

1. The Parish Council is elected for a term of 4 years, at which point all Councillors vacate their seats and “ordinary” elections are held. However, over the course of its term of office, because of resignations and other changes, it may comprise both elected and co-opted members. “Ordinary” elections coincide with District Council (TVBC) elections and are conducted in accordance with the Representation of the People Act. TVBC is the Authority responsible for overseeing Parish Council Elections.
2. When the number of candidates nominated for election is too few to warrant an election or to fill all the vacant seats, any vacancy can be dealt with immediately by co-option, after consultation with TVBC.
3. When a casual vacancy arises between elections, the Proper Officer will inform TVBC, who will provide a notice to be posted in the village notifying that a casual vacancy has arisen and that the Council will be authorised to co-opt unless 10 or more electors claim a poll within 14 days. TVBC will organise a contested bye-election within 60 days, but this is a rare occurrence.
4. The Council is responsible for the process once co-option has been authorised and must fill the vacancy as soon as possible if the vacancy has 6 or more months to run before the next “ordinary” election. Where the vacancy occurs within the 6 month point, the Council may co-opt to fill the vacancy, but is not obliged to do so.
5. Once co-option has been authorised, the Proper Officer, in conjunction with the Chairman, will:
  - 5.1 Set and publish a closing date for applications, including notification in Hill & Valley that the vacancy is being filled by co-option.
  - 5.2 Check the eligibility of candidates.
  - 5.3 Obtain and circulate a short candidate CV to Councillors with the meeting papers ahead of the co-option meeting.
  - 5.4 Provide each candidate with a copy of Standing Orders in advance of the co-option meeting.
6. The Chairman, the Vice Chairman, or a selection panel if one is constituted, will interview each candidate to explain the responsibilities and work of the Council and its committees/working parties. Care will be taken to explain the procedure that will be adopted at the co-option meeting, particularly when there are more candidates than vacancies, because of the sensitivities involved. The possibility of an unsuccessful candidate joining a working party, thereby participating in the work of the Council, will also be explored. However, there is no rule that unsuccessful candidates at previous elections must be chosen first when a subsequent vacancy arises. If time permits, candidates will be invited to attend a Council meeting prior to the co-option meeting.

### **CO-OPTION MEETING AND ADOPTION PROCEDURE**

7. At the beginning of the co-option meeting, the Chairman will remind Councillors and candidates of the selection process, and, if there are more candidates than vacancies,

emphasise the sensitivities involved. He or she will also explain why the meeting will be closed to the public during the debate and voting process.

8. Each candidate must be nominated and seconded by a Councillor present at the meeting. If there is a single vacancy, a Councillor may nominate or second only one candidate. If there is more than one vacancy, a Councillor may nominate or second one candidate for each seat.

9. Candidates will be invited to briefly introduce themselves to the meeting, expanding on their CVs. This will be done in alphabetical order if there is more than one candidate for a vacancy. Any supporter wishing to speak on behalf of a candidate may do so by invitation of the Chairman.

10. If there is only one candidate for a vacancy the voting will be by show of hands. The Chairman will declare the successful candidate co-opted and summoned to attend the next meeting. He or she may then join the meeting, but not as a voting member.

11. If there are more candidates than vacancies, candidates will be asked to withdraw after the introductions and the meeting will be closed to the public during the debate and voting by secret ballot conducted by the Proper Officer<sup>1</sup>. In the event of a tie, the Chairman will have the casting vote. The Chairman will declare the successful candidate co-opted and summoned to attend the next meeting as a Councillor. Candidates will be notified of the result by the Chairman after the meeting.

12. Before a successful candidate can participate in Council business, he or she must sign the Declaration of Acceptance of Office in the presence of the Proper Officer. The Proper Officer will also ensure that all new Councillors:

- 12.1 Register their interests within 28 days of appointment to office.
- 12.2 Read and understand Standing Orders.

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1. See Standing Order 13.

# **CODE OF CONDUCT FOR LONGPARISH PARISH COUNCILLORS**

## **PART ONE – GENERAL PROVISIONS**

### **INTRODUCTION AND INTERPRETATION**

13. This Code applies to all Parish Councillors as members of Longparish Parish Council.
14. This Code should be read in conjunction with the General Principles at Annex A to the Code.
15. It is the responsibility of Councillors to comply with the provisions of this Code.
16. In this Code “meeting” means any meeting of the Parish Council or any of its Working Parties, and “Councillor” includes a co-opted or appointed Councillor.
17. References to the Council’s Monitoring Officer and Standards Committee should be read, respectively, as references to the Monitoring Officer and the Standards Committee of Test Valley Borough Council as the District Council that has functions in relation to the Parish Council for which it is responsible under Section 55(12) of the Local Government Act 2000.

### **SCOPE**

18. Subject to Paragraphs 7 to 10, Councillors must comply with this Code whenever they:
  - 18.1 Conduct the business of the Parish Council (which, in this Code, includes the business of the office to which they are elected or appointed).
  - 18.2 Act, claim to act or give the impression they are acting as a representative of the Parish Council.References to their official capacity are construed accordingly.
19. Subject to Paragraphs 8 and 9, this Code does not have effect in relation to Councillors’ conduct other than where it is in their official capacity.
20. In addition to having effect in relation to conduct in Councillors’ official capacity, Paragraphs 12.3,14 and 15.1 also have effect, at any other time, where that conduct constitutes a criminal offence for which they have been convicted.
21. Conduct to which this Code applies (whether that is conduct in Councillors’ official capacity or conduct mentioned in Paragraph 8) includes a criminal offence for which they are convicted (including an offence committed before the date they took office, but for which they are convicted after that date).
22. Where Councillors act as representatives of the Parish Council:
  - 22.1 On another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct.

22.2 On any other body, they must, when acting for that other body, comply with the Parish Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **GENERAL OBLIGATIONS**

23. Councillors must treat others with respect.
24. Councillors must not:
- 24.1 Do anything that may cause the Parish Council to breach any of the statutory equality enactments.
  - 24.2 Bully any person.
  - 24.3 Intimidate or attempt to intimidate any person who is or is likely to be:
    - 24.3.1 A complainant.
    - 24.3.2 A witness.
    - 24.3.3 Involved in the administration of any investigation or proceedings in relation to an allegation that a Councillor has failed to comply with the Parish Council's Code of Conduct.
  - 24.4 Do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Parish Council.
25. Councillors must not:
- 25.1 Disclose information given to them in confidence by anyone, or information acquired by them that they believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - 25.1.1 They have the consent of a person authorised to give it.
    - 25.1.2 They are required by law to do so.
    - 25.1.3 The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person.
    - 25.1.4 The disclosure is:
      - 25.1.4.1. Reasonable and in the public interest.
      - 25.1.4.2. Made in good faith and in compliance with the reasonable requirements of the Parish Council.
  - 25.2 Prevent another person from gaining access to information to which that person is entitled by law.
26. Councillors must not conduct themselves in a manner that could reasonably be regarded as bringing their office or authority into disrepute.
27. Councillors:
- 27.1 Must not use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or disadvantage.
  - 27.2 Must, when using or authorising the use by others of the resources of the Parish Council:
    - 27.2.1 Act in accordance with the Parish Council's reasonable requirements:
    - 27.2.2 Ensure that such resources are not used improperly for political purposes (including party political purposes).
  - 27.3 Must have regard to any applicable Local Authority Code of Publicity made

under the Local Government Act 1986.

## **PART TWO - INTERESTS**

### **PERSONAL INTERESTS**

28. A Councillor has a personal interest in any business of the Parish Council where:

28.1 It relates to or is likely to affect:

28.1.1 Any body of which the Councillor is a member or in a position of general control or management and to which they are appointed or nominated by the Parish Council.

28.1.2 Any body:

28.1.2.1. Exercising functions of a public nature.

28.1.2.2. Directed to charitable purposes.

28.1.2.3. One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

Of which the Councillor is a member or in a position of general control or management.

28.1.3 Any employment or business carried on by the Councillor.

28.1.4 Any person or body who employs or has appointed the Councillor.

28.1.5 Any person or body, other than a relevant authority, that has made a payment to the Councillor in respect of their election or any expenses incurred by them in carrying out their duties.

28.1.6 Any person or body that has a place of business or land in the Parish Council's area, and in which the Councillor has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower).

28.1.7 Any contract for goods, services or works made between the Parish Council and the Councillor or a firm in which the Councillor is a partner, a company of which the Councillor is a remunerated director, or a person or body of the description specified in Paragraph 16.1.6.

28.1.8 The interests of any person from whom the Councillor has received a gift or hospitality with an estimated value of at least £25.

28.1.9 Any land in the Parish Council's area in which the Councillor has a beneficial interest.

28.1.10 Any land where the landlord is the Parish Council and the Councillor/a firm in which the Councillor is a partner/a company of which the Councillor is a remunerated director/a person or body of the description specified in Paragraph 16.1.7 is the tenant.

28.1.11 Any land in the Parish Council's area for which the Councillor has a licence (alone or jointly with others) to occupy for 28 days or longer.

28.2 A decision in relation to that business might reasonably be regarded as affecting the Councillor's 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 Parish Council's area.

29. In Paragraph 16.2 a relevant person is:

29.1 A member of the Councillor's family or any person with whom the Councillor has a close association.

29.2 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 a director.

29.3 Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

29.4 Any body of a type described in Paragraphs 16.1.1 and 16.1.2.

## **DISCLOSURE OF PERSONAL INTERESTS**

30. Subject to Paragraphs 19 to 22, where Councillors have a personal interest in any business of the Parish Council and attend a meeting of the Council at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

31. Where Councillors have a personal interest in any business of the Parish Council that relates to or is likely to affect a person described in Paragraphs 16.1.1 or 16.1.2.1 they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.

32. Where Councillors have a personal interest in any business of the authority of the type mentioned in Paragraph 16.1.8 they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than 3 years before the date of the meeting.

33. Paragraph 18 applies only where Councillors are aware or ought reasonably to be aware of the existence of the personal interest.

34. Where Councillors have a personal interest but, by virtue of Paragraph 29, sensitive information relating to it is not registered in the relevant register of members' interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.

## **PREJUDICIAL INTEREST GENERALLY**

35. Subject to Paragraph 24, where Councillors have a personal interest in any business of the Parish Council they also have a prejudicial interest in that business where the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice Councillors' judgement of the public interest.

36. Councillors do not have a prejudicial interest in any business of the Parish Council where that business:

36.1 Does not affect their financial position or the financial position of a person or body described in Paragraphs 16 and 17.

36.2 Does not relate to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in Paragraphs 16 and 17.

36.3 Relates to the functions of the Parish Council in respect of:

36.3.1 Statutory sick pay under Part XI of the Social Security Contributions and

Benefits Act 1992, where they are in receipt of, or are entitled to the receipt of, such pay.

36.3.2 An allowance, payment or indemnity given to members.

36.3.3 Any ceremonial honour given to members.

36.3.4 Setting Council Tax or a precept under the Local Government Finance Act 1992.

## **EFFECT OF PREJUDICIAL INTERESTS ON PARTICIPATION**

37. Subject to Paragraph 26, where Councillors have a prejudicial interest in any business of the Parish Council:

37.1 They must withdraw from the room or chamber where a meeting considering the business is being held:

37.1.1 In a case where Paragraph 26 applies, immediately after making representations, answering questions or giving evidence.

37.1.2 In any other case, whenever it becomes apparent that the business is being considered at that meeting.

Unless they have obtained a dispensation from the Standards Committee.

37.2 They must not seek improperly to influence a decision about that business.

38. Where Councillors have a prejudicial interest in any business of the Parish Council, they may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **PART THREE – REGISTRATION OF INTERESTS**

### **REGISTRATION OF MEMBERS' INTERESTS**

39. Subject to Paragraph 29, Councillors must, within 28 days of their election or appointment to office, register in the relevant register of members' interests (maintained under Section 81(1) of the Local Government Act 2000) details of their personal interests, where they fall within a category mentioned in Paragraph 16.1, by providing written notification to the Monitoring Officer through the Proper Officer.

40. Subject to Paragraph 29, Councillors must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under Paragraph 27, register details of that new personal interest or change by providing written notification to the Monitoring Officer through the Proper Officer.

### **SENSITIVE INFORMATION**

41. Where Councillors consider that the information relating to any of their personal interests is sensitive information, and the Monitoring Officer agrees, they need not include that information when registering that interest, or, as the case may be, a change to that interest under Paragraphs 27 and 28.

42. Councillors must, within 28 days of becoming aware of any change of

circumstances which means that information excluded under Paragraph 29 is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the relevant register of members' interests.

43. In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that a Councillor, or a person who lives with them, may be subjected to violence or intimidation.

## **Annex:**

### **A. The Ten General Principles.**

## **THE TEN GENERAL PRINCIPLES**

### **1. SELFLESSNESS**

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

### **2. HONESTY AND INTEGRITY**

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

### **3. OBJECTIVITY**

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

### **4. ACCOUNTABILITY**

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

### **5. OPENNESS**

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

### **6. PERSONAL JUDGEMENT**

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

### **7. RESPECT FOR OTHERS**

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

### **8. DUTY TO UPHOLD THE LAW**

Members should uphold the law and, on all occasions, act in accordance with the trust

that the public is entitled to place in them.

**9. STEWARDSHIP**

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

**10. LEADERSHIP**

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