



# **SAUGHALL AND SHOTWICK PARK PARISH COUNCIL**

## **STANDING ORDERS**

**Revised 1 February 2021**



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1. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such a place as the Council may direct.
- b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- a) **In an election year shall be held on or within 14 days following the day on which the councillors elected take up office and**
- b) **In a year, which is not an election year shall be held on such day in May as the Council may direct.**

3. **In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

4. Chairman of the Meeting

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

5. Proper Officer

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the clerk or nominated officer: -

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing personal and prejudicial interests.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by the Principal Authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

## **6. Quorum of the Council**

Five members shall constitute a quorum.

7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared prejudicial interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 47.

## **9. Voting**

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

10. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request may be made before or after the vote but in any event before moving on to the next business.
11. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
  - (2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
  - (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## **12. Order of Business**

**At each Annual Meeting the first business shall be: -**

- a) To elect a Chairman of the Council.**
- b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

- d) **To decide when any declarations of acceptance of office and written undertakings to comply with the Code of Conduct adopted by the Council, which have not been received as provided by law, shall be received.**
- e) **To elect a Vice-Chairman of the Council.**
- f) **To appoint representatives to outside bodies.**
- g) **To appoint committees and sub-committees.**
- h) **To consider the payment of any subscriptions falling to be paid annually.**
- i) **To inspect any deeds and trust investments in the custody of the Council as required;**

**and shall thereafter follow the order set out in the Standing Order 15.**

- 13. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or, if not then received, to decide when they shall be received.
- 14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with their requirement.
- 15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows: -
  - a) **To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.**
  - b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - c) **To deal with business expressly required by statute to be done.**
  - d) **To dispose of business, if any, remaining from the last meeting.**
  - e) **To receive such communications as the person presiding may wish to put before the Council.**

- f) To receive and consider reports and minutes of committees.**
- g) To receive and consider resolutions or recommendations in the order in which they have been notified.**
- h) If necessary, to authorise the signing of orders for payment.**

16. Urgent Business

A motion to vary the order of business on the grounds of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

17. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 3 clear days before the next meeting of the Council.

- 18. The Clerk shall date every notice of resolution or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book, which shall be open to the inspection of every member of the Council.
- 19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.



### 23. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice: -

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To amend a motion.
- k) To give leave to withdraw a resolution or amendment.
- l) To extend the time limit for speeches.
- m) To exclude the public. (See Standing Order 66 below)
- n) To silence or eject from the meeting a member named for misconduct. (See Standing Order 33 below)
- o) To give the consent of the Council where such consent is required by these Standing Orders.
- p) To suspend any Standing Order. (See Standing Order 77 below)
- q) To adjourn the meeting.

### 24. Questions

A Member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 5 clear days notice of the question has been given to the person to whom it is addressed or, in the case of urgent matters, at the Chairman's discretion.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer.

28. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

29. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- e) An amendment shall be either: -
  - i) To leave out words.
  - ii) To leave out words and insert others
  - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the resolution before the Council.
- g) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.

- j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
  - k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. He shall confine a personal explanation to some material part of a former speech, which may have been misunderstood.
  - l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - m) When a resolution is under debate no other resolution shall be moved except the following:-
    - i. To amend the resolution.
    - ii. To proceed to the next business.
    - iii. To adjourn the debate.
    - iv. That the question be now put.
    - v. That a member named be not further heard.
    - vi. That a member named does leave the meeting.
    - vii. That the resolution be referred to a committee.
    - viii. To exclude the public and press.
    - ix. To adjourn the meeting.
30. A member shall stand if requested by the Chairman unless unable to do so on account of infirmity.
31. a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Chairman.  
If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seat.
- c) Whenever the Chairman rises during a debate all other members shall be seated and silent.

### 32. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

### 33. Disorderly Conduct

- a) **All members must behave in a manner required by the Code of Conduct, which was adopted by the Council on 15 May 2012 (Minute No. 6 refers).**
- b) No member shall at a meeting disregard the ruling of the Chairman, obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

### 34. Right of Reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### 35. Alteration of Resolution

A member may, with the consent of his seconder, move amendments to his own resolution.

### 36. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least seven members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

### 37. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

### 38. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 66)

### 39. Resolutions on Expenditure

Any resolution which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

### 40. Expenditure

**Orders for the payment of money shall be authorised by resolution of the Council and signed by two authorised signatories in accordance with the bank mandate.**

### 41. Committees and Sub Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary

clearly defining roles of the committees and any delegated powers, but subject to any statutory provision in that behalf: -

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than members of the Council to any Committee; and
- c) May subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.

42. The Chairman and Vice-Chairman ex-officio shall be members of every committee.

43. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

44. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than two of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

45. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

46. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

47. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members and a minimum of two.

48. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

49. Advisory Committees

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

50. Voting in Committees

Members of committees and sub-committees entitled to vote shall do so by a show of hands, or, if at least two members so request, by signed ballot.

51. **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

52. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

53. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, the appropriate officer shall certify such payment as to its correctness and urgency. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

54. The Responsible Financial Officer shall supply to each member at the ordinary meeting next after the end of the Financial Year a Financial statement of receipts and payments for the Council.

55. Estimates / Precepts

- 1) The Council shall approve written estimates for the coming financial year at its meeting at the end of the month of January.
- 2) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31 December.

56. Interests

**If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 15 May 2012 then he shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.**

**57. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the meeting during consideration of the item to which the interest relates.**

58. The Clerk shall hold a copy of the Register of Member's Interests in accordance with instructions received from the Monitoring Officer of the Responsible Authority and/or as required by statute.

59. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

60. The Clerk shall make known the purport of this Standing Order to every candidate.

61. Canvassing of And Recommendations By Members

- 1) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- 2) A Member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability,



experience or character for submission to the Council with an application for appointment.

62. Standing Order Nos. 59 & 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

63. Inspection of Documents

A Member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**64. All minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.**

65. Unauthorised Activities

No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council: -

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions

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

66. Admission of the Public and Press to Meetings

**The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude** the public and press by means of the following resolutions: -

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw”

67. The Council shall state the special reason for exclusion.

68. At all meetings of the Council the Chairman may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any Members of the public to address the meeting in relation to the business to be transacted at that meeting.

**69. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**

70. If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting.

71. Confidential Business

- 1) No Member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- 2) Any Member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

72. Liaison with Councillors from the Principal Authority

A notice of meeting shall be sent together with an invitation to attend to Principal Authority Councillors representing the Mickle Trafford ward.

73. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Principal Authority shall be transmitted to each of the local Ward Members who sits on the Principal Authority.

74. Planning Applications

- 1) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council: -
  - a) The date on which it was received;
  - b) The name of the applicant;
  - c) The place to which it relates;
  - d) The Clerk shall refer every planning application received to the Chairman/Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman, where possible, within 48 hours of receipt.

75. Standing Orders on Contracts

- 1) Where it is intended to enter into a contract exceeding £1000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works\*, the clerk shall give at least 3 weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition *to all firms included in the appropriate standing approved list of contractors maintained by the Principal Authority, or if no such list is maintained then* in such newspapers circulating in the district as the Council shall direct.

- 2) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- 3) Tenders shall be opened by the Clerk in the presence of one Member of the Council on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- 4) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender.
- 5) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials and executing the works as it thinks fit.
- 6) A notice issued under this standing order shall contain a statement of the effect of Standing Orders No. 59, 60, 61 and 62.

76. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or Member in such manner as adopted by the Council except for those complaints, which should be properly directed to the Principal Authority's Standards Committee or the Standards Board for England for consideration.

77. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

78. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

79. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him of the Member's declaration of acceptance of

office and written undertaking to comply with the Code of Conduct adopted by the Council.

## Appendix 1

**Adopted by Saughall and Shotwick Park Parish Council on 15 May 2012**

1

### **Cheshire West and Chester Borough Council CODE OF CONDUCT FOR MEMBERS**

Cheshire West and Chester Borough Council (“the authority”) has adopted his Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

#### **Definitions**

In this Code

- “member” includes a co-opted member and a member of the Standards Advisory Board<sup>1</sup>
- “co-opted member” is a person who is not a member of the authority but who is either a member of any of its committees or sub-committees or a member of and represents the authority on any joint committee or joint sub-committee of the authority, and who is entitled to vote at such meetings
- “meeting” means
  - any meeting of the authority or any of its committees, sub-committees, joint committees or joint sub-committees
  - any briefing by officers
  - any site visit to do with business of the authority
  - any meeting of the Executive or its committees
  - any meeting of the Standards Advisory Board
  - in taking a decision as a member of the Executive or as a ward member

#### **General obligations**

Whenever you are acting as a member of this authority you must act in accordance with the following obligations:

##### ***Selflessness***

- 1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any

person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

### ***Integrity***

- 2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

### ***Objectivity***

- 3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

### ***Accountability***

- 4 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

### ***Openness***

- 5 (a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

### ***Honesty***

- 6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out below.

(b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### ***Respect for others***

- 7 (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
- (b) You must not do anything which may cause your authority to breach any equality laws.
- (c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.
- (d) You must not bully any person, including other councillors, officers of the authority or members of the public.

### ***Leadership***

- 8 You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

### **Registration of Interests**

- 9 You must within 28 days of
- (a) this Code being adopted by your authority; or
- (b) your election or appointment to office (where that is later)
- register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Disclosable Interests).
- 10 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer of that new interest or change.

### **Declaring of Interests and Participation in Meetings**

- 11 If you are present at a meeting and you have a Disclosable Pecuniary Interest as set out in Appendix A –
- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (b) you must not participate in any discussion of the matter at the meeting;
-

- (c) you must not vote on the matter;
- (d) you must leave the room where the meeting is held during any discussion or vote; and
- (e) if your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

12 Where a matter arises at a meeting which relates to an interest in Appendix B

- (a) you must declare your interest if
  - (i) you speak on the matter at the meeting; or
  - (ii) your interest is not already on the register of interests; or
  - (iii) you have not notified the Monitoring Officer of it;
- (b) if the matter significantly affects the financial interests of the body in which you have an interest under Appendix B or relates to a licensing or regulatory matter concerning that body
  - (i) you must declare your interest ;
  - (ii) you must not participate in any discussion of the matter at the meeting (subject to paragraph (iv) below);
  - (iii) you must not vote on the matter; and
  - (iv) you may speak on the matter only if members of the public are allowed to speak at the meeting;
- (c) you do not need to declare your interest if paragraph 12(a) and/or 12(b) above do not apply.
- (d) The requirement in paragraph 12(b) above shall not apply where the matter under consideration relates to the setting of the Council Tax, a precept or a special expense.

13 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix A, but in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours

- (a) you must declare the interest;
- (b) you must not vote on the matter;
- (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.



### **Sensitive interests**

- 14 Where you consider that disclosure of the details of an interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a “sensitive interest”, you need only declare the fact that you have an interest but not the details of that interest. Copies of the public register of interests may state you have an interest the details of which are withheld.

### **Gifts and Hospitality**

- 15 You must within 28 days of receipt notify the Monitoring Officer<sup>2</sup> of any gift, benefit or hospitality with an estimated value of £25 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

### **Criminal Records Bureau (CRB) Checks**

- 16 If you are an elected member of the authority, you will comply with the following<sup>3</sup>:
- (a) you will be subject to a standard CRB check, unless paragraph 16(b) below applies to you;
  - (b) if you undertake a role which by law requires an enhanced CRB disclosure, you will be subject to an enhanced CRB check ;
  - (c) following a CRB check, you must notify the Monitoring Officer in writing of any new conviction(s) within 14 days of such conviction.

*This Code of Conduct was adopted by Cheshire West and Chester Council on 26 July 2012*

## **APPLICATION TO MEMBERS OF PARISH AND TOWN COUNCILS IN CHESHIRE WEST AND CHESTER**

Note:

<sup>1</sup> the definition of “member” includes a member who is elected, co-opted or appointed to the town or parish council;

<sup>2</sup> under paragraph 15 – *Gifts and Hospitality*, notification will be given to the parish/town council clerk who will maintain the council’s public register of gifts and hospitality;

<sup>3</sup> paragraph 16 – *Criminal Records Bureau (CRB) Checks* - does not apply.

## APPENDIX A

### DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a “Disclosable Pecuniary Interest” are set out in Chapter 7 of the Localism Act 2011. Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

A Disclosable Pecuniary Interest is an interest of you (i.e. the member) or of your partner (which means spouse or civil partner or a person with whom you are living as husband or wife, or as if you are civil partners) within the categories below\*:

<b>Interest</b>	<b>Prescribed Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the authority) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land	<p>Any beneficial interest in land which is within the authority’s area.</p> <p>For this purpose “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</p>

Licences	Any licence (alone or jointly with others) to occupy land in the authority's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the authority; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the authority's area 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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.  For this purpose, "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.

*\*The provisions in the Code in respect of the registration and declaring of Disclosable Pecuniary Interests and the requirement to withdraw from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and to those of your spouse or civil partner or a person with whom you are living as a spouse or civil partner where you are aware of their interest.*

## **APPENDIX B**

### **OTHER DISCLOSABLE INTERESTS**

An interest which relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
- (ii) any body
  - (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 you are a member or in a position of general control or management.

# Data Protection Policy

## Introduction

The Parish Council is fully committed to compliance with the requirements of the Data Protection Act 1998 (“the Act”), which came into force on 1 March 2000. The Council will therefore follow procedures that aim to ensure that employees, elected Members, contractors, agents, consultants, partners or other servants of the Council who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under the Act.

## Statement of policy

In order to operate efficiently, the Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Act to ensure this.

The Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Council and those with whom it carries out business. The Council will ensure that it treats personal information lawfully and correctly. To this end the Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

## The principles of data protection

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable. The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;

7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **“sensitive” personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information on:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

### **Handling of personal/sensitive information**

The Council will, through appropriate management and the use of strict criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarded as wrong information.

In addition, the Council will ensure that:

- There is someone with specific responsibility for data protection in the organisation;
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether it is the Clerk or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Performance with handling personal information is regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All elected Members are to be made fully aware of this Policy and of their duties and responsibilities under the Act.

The Council will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or agents of the Council must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Council, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the council and that individual, company, partner or firm;
- Allow data protection audits by the Council of data held on its behalf (if requested);
- Indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by the Council will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the Council.

### **Implementation**

The Council has appointed an Information Officer who will be responsible for ensuring that the Policy is implemented. Implementation will be led and monitored by the Information Officer. The Information Officer will also have overall responsibility for:

- The provision of cascade data protection training, for staff within the Council.
- For the development of best practice guidelines.
- For carrying out compliance checks to ensure adherence, throughout the Council, with the Data Protection Act.

### **Notification to the Information Commissioner**

The Information Commissioner maintains a public register of data controllers. The Council is registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The Information Officer will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within  
28 days.

To this end, any changes made between reviews will be brought to the attention of the Information Officer immediately.