

## **THORPE MANDEVILLE PARISH COUNCIL - STANDING ORDERS AND CODE OF CONDUCT**

As adopted on 17 October 2011 and subsequently amended.

(Latest amendments: 28 January 2019, 20 May 2021(re new Code of Conduct) and 25 October 2021.)

### **INTERPRETATION**

The masculine gender has been used throughout for ease of construction but masculine references are deemed to refer to both genders throughout.

The singular includes the plural and vice versa.

'Writing', 'correspondence' or 'distributed' include both letter and email formats.

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## **1 OFFICERS**

### **1.1 Chairman and Deputy Chairman**

The Chairman and if considered appropriate to appoint, the Deputy Chairman of the Council will be appointed annually at the commencement of the Annual Meeting. The person elected as Chairman is required to make and deliver his declaration of acceptance of office to the Proper Officer of the Council at that meeting on the statutory prescribed form. If the declaration of office cannot be delivered at that meeting the Council may resolve to do this at a later meeting.

### **1.2 Proper Officer**

The Proper Officer of the Council is the Parish Clerk (the 'Clerk') (See 4 below).

### **1.3 Responsible Financial Officer**

The Responsible Financial Officer of the Council is the Clerk

### **1.4 Data Protection Officer**

The Data Protection Officer of the Council is the Clerk

### **1.5 Councillors**

**1.5.1** The number of Councillors including the Chairman should not be less than 5.

**1.5.2** Councillors must abide by the Council's Code of Conduct being the Model Code of Conduct within The Local Authorities (Model Code of Conduct) Order 2007 (Statutory Instrument 2007 No. 1159) including para.12(2) (see 2.7.3 below).

## **2 MEETINGS**

### **2.1 Annual Meeting**

An annual meeting of the Council shall be held every year in the month of May except in the year of ordinary elections of Councillors when the annual meeting shall be held within 14 days after the day on which elected Councillors take office.

(See 2.13 regarding the Annual Parish Meeting)

### **2.2 Ordinary Meetings**

At least three ordinary meetings of the Council will be held annually and on weekdays the commencement time will not be before 7.00pm. A schedule of provisional meeting dates for the forthcoming year will be adopted by the Council before the end of each calendar year.

### **2.3 Extraordinary meetings**

An Extraordinary Meeting of Council may be convened at any time by the Chairman, or the Deputy Chairman in his absence (giving the notice required in 2.4.2 below) or by any two Councillors after having requisitioned a meeting in writing and there is refusal or omission by the Chairman to convene the meeting within 7 days of the requisition (see 2.4.2 below).

### **2.4 Location and Notices of Meetings**

**2.4.1** No Council meeting shall be held in licensed premises unless no other suitable public room is available.

**2.4.2** Notice of the time and place of meetings must be fixed by the Clerk in a conspicuous place in the parish at least 3 clear weekdays (not counting the day of the meeting or the day of the notice) before the meeting. An outline agenda will be provided on all notices. When a meeting is called by Councillors (see 2.3 above) the notice shall be signed by those Councillors and shall specify the business proposed to be transacted at the meeting (the agenda).

**2.4.3** All Councillors (or the committee, if this is the case) shall be given at least 3 clear weekdays (not counting the day of the meeting or the day of the notice) written summons (at their residence or by email) for all meetings of the Council (or committee) from the Clerk specifying the business proposed to be transacted which will take the form of an agenda.

**2.4.4** A Councillor must give written notice of an original motion he wishes to move in advance of a meeting. Motions and any other non-recurring agenda items for ordinary meetings, including any correspondence from the public, must be received by the Clerk 7 clear days before the meeting to facilitate the timely production of the meeting notice and

Councillors' summons.

## **2.5 Quorum**

**2.5.1** No business shall be considered at a Council meeting unless one-third of the total number of Councillors is present, or, where more than one-third of the Councillors are disqualified from acting, then one-third of the remainder is present. In any event, there must be no fewer than 3 Councillors present at any meeting.

**2.5.2** A meeting shall stand adjourned if the quorum is not present within 30 minutes of the start time of the meeting or 15 minutes if a meeting becomes inquorate during the course of business. Notice of the reconvening of such an adjourned meeting will require normal notice procedures.

## **2.6 Chairing meetings**

The Chairman (and in his absence the Deputy Chairman, if there is one) shall chair or preside over meetings. In the event that the person normally expected to preside the meeting is not able to, those Councillors present shall decide who amongst them shall preside. The Clerk should supervise the selection. The person presiding at a meeting shall exercise all the powers and duties of the Chairman in relation to the conduct of a meeting.

## **2.7 Business at meetings**

### **2.7.1 Approval of minutes**

Minutes must be approved at the next meeting. There is no necessity for the minutes to be read out to the meeting providing that the draft minutes were distributed to all Councillors 7 days before the meeting. The final page of the agreed minutes must be signed by the Chairman of the meeting considering the minutes with accompanying sheets being initialed by him.

### **2.7.2 Public participation**

The public and press are entitled to attend any meeting of the Council or any committee unless excluded by formal resolution in relation to a matter of business. A motion and the minute of the resolution to exclude must state the reason for the exclusion.

If the agenda does not provide for a public participation session, any public participation at any meeting is at the invitation and discretion of the Chairman.

### **2.7.3 Councillors' disclosable pecuniary interests, sensitive issues and personal interests (as amended 26 November 2012)**

The Council has adopted South Northamptonshire Council's revised Code of Conduct applicable to parish councils (Parish Council meeting 26 November 2012) as incorporated into these Standing Orders: see Standing Order 11: 6–11.

### **2.7.4 Correspondence received**

No correspondence will be accepted on an anonymous basis. Full disclosure of

correspondence received may be available at Council meetings unless it relates to an agenda item where the public may be properly excluded (See 2.7.2 above). The Council does not have to respond to written questions at meetings. It may deem it more appropriate to respond in the written form. (Also see 2.4.4)

### **2.7.5 Any Other Business**

The allowance of items arising under Any Other Business or a similar agenda heading is at the discretion of the Chairman but no substantive item may be resolved without normal notice procedures.

### **2.2.2 Length of meetings**

Any two Councillors may demand an adjournment if a meeting exceeds 3 hours.

## **2.8 Conduct at meetings**

**2.8.1** The Chairman shall preside over meetings regulating the conduct of a meeting and preserve its order.

**2.8.2** When speaking, a Councillor must address the Chairman.

**2.8.3** Councillors must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chairman in the proper management of the conduct of the meeting.

**2.8.4** If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Councillor be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.

**2.8.5** If a Councillor continues to behave improperly after a motion that the Councillor be not further heard, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If the motion is seconded, it must be put to the vote immediately without discussion.

**2.8.6** If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chairman may adjourn the meeting for as long as he considers necessary.

**2.8.7** Subject to Standing Order 2.8.8, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means of enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. (Replacement Standing Order adopted by resolution 28 January 2019.)

**2.8.8** A person present at a meeting may not provide an oral report or oral commentary

about a meeting as it takes place without permission. (Standing Order adopted by resolution 28 January 2019.)

## **2.9 Rules of Debate**

**2.9.1** Discussion or debate at meetings will ordinarily be permitted on a motion properly put before the meeting on an agenda item. All remarks shall be addressed to the Chairman. When a motion is passed, with or without amendment, the motion will become a resolution.

**2.9.2** A motion can be original or procedural. A seconder is not required for motions unless specified within these Standing Orders for specific business. An original motion is one proposing the substantive issue for consideration and Council action. A procedural motion or point of order, relates to procedure and form, and it should be put to the vote immediately.

Resolutions on procedural matters may be moved by a Councillor without notice. Any Councillor at any time may move, between speakers, any of the following procedural motions:

- to proceed to the next business;
- to move to the vote;
- to refer a matter to a committee.

**2.9.3** An amendment is a motion to amend the substantive original motion being considered by the meeting. An amendment must not have the effect of nullifying the recommendation or motion. An amendment can be withdrawn at any time by the Councillor moving it.

An amendment which is carried shall become the substantive motion or recommendation and other amendments will not be put to the vote.

## **2.10 Voting**

**2.10.1** All questions to be decided by the Council shall be decided by a majority of the Councillors present and voting.

**2.10.2** A Councillor's vote will only be counted if he is in the meeting room at the time the vote is taken. Councillors shall vote by a show of hands.

**2.10.3** Immediately before a vote is taken any Councillor may request that a vote is recorded in the minutes, identifying how individual Councillors voted.

**2.10.4** In the case of an equality of votes the Chairman of the meeting has to give a casting vote in addition to his first vote whether or not he gave an original vote.

**2.10.5** The outgoing Chairman must give a casting vote in the event of there being an equality of votes for the election of the Chairman at the annual meeting of the Council.

**2.10.6** A resolution passed at one meeting of the Council may only be rescinded at a subsequent meeting if there are no material practical obstacles or legal consequences known by the Councillors but if a proposal to rescind a resolution is within 6 months of the resolution there must also be material information which was not brought before the Council in the original debate. In the latter circumstances, at least three Councillors must affirm in writing to the Clerk before notice of the motion is given that such information is in their view material.

A proposal to rescind a resolution must be treated as an original motion.

## **2.11 Minutes**

**2.11.1** Minutes recording Councillors' attendance and business at meetings will be recorded by the Clerk and in his absence by a nominated Councillor.

**2.11.2** The minutes shall not be a verbatim record of debate but must accurately reflect the resolutions made and record of voting if this is requested by a Councillor at that meeting (see 2.10.3 above).

**2.11.3** Unless there is a specific item on the agenda, no discussion is permitted in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.

**2.11.4** Any corrections to minutes shall be made by moving that the minutes are agreed with the correction(s) stated. Any alterations must be initialed by the Chairman.

**2.11.5** The minutes must be approved at the next meeting. There is no necessity for the minutes to be read out to the meeting providing that the draft minutes were distributed to all Councillors 7 days before the meeting. The final page of the agreed minutes must be signed by the Chairman of the meeting considering the minutes with accompanying sheets being initialed by him.

## **2.12 COMMITTEE MEETINGS**

**2.12.1** Business may be delegated by the Council to a committee but all Standing Orders apply to committee business.

**2.12.2** Any Councillors not being a member of a committee may attend any meeting of the committee but their right to participate in the meeting will be equal to the public's right to do so and will be governed by Standing Orders.

**2.12.3** A Councillor cannot individually exercise any statutory functions of the Council on behalf of the Council.

## **2.13 ANNUAL PARISH MEETING**

**2.13.1** The Annual Parish Meeting is not a meeting of the Parish Council.

**2.13.2** The Chairman of the Council or any two Councillors must give (7 clear days) notice of the meeting.

**2.13.3** The Chairman of the Council (or in his absence the Deputy Chairman, if any) must preside if present.

**2.13.4** The expenses of the meeting will be paid by the Council.

### **3 HEALTH AND SAFETY**

The Council will take into account the safety of the public within the parish in all decisions.

### **4 DELEGATION TO THE CLERK**

**4.1** The Clerk shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972.

**4.2** The Clerk shall monitor and be responsible for all incoming and outgoing Council correspondence. The Clerk shall decide what circulars and other promotional or advisory communications will be brought before the Council.

**4.3** The Clerk shall make arrangements to pay salaries and wages to all employees of the Council (subject to the Council's financial regulations).

**4.4** The Clerk shall, in the first instance, handle and acknowledge all complaints regarding the Council (except where the complaint relates to the Clerk).

**4.5** The Clerk shall arrange and call meetings of the Council, its committees and sub-committees in consultation with the relevant Chairman.

**4.6** The Clerk shall carry out and implement any reasonable Council, committee or sub-committee decision requiring action.

**4.7** The Clerk shall, in the first instance, handle all requests for information under the Freedom of Information Act 2000. Applications under the Act should be addressed to the Clerk.

**4.8** The Clerk will be the responsible officer under the Data Protection Act 1998. Applications under the Act should be addressed to the Clerk.

### **5 COMMUNICATIONS WITH THE MEDIA AND PUBLIC**

**5.1** Ideally all communications with the media will be by a written Press Release agreed by the Clerk with the Chairman or his appointee. The Clerk, or in his absence the Chairman or his appointee, will issue all Press Releases.

- 5.2** In recognition that situations may arise where a Press Release is not appropriate, the Chairman or his delegated appointee will speak to the media. If a matter of genuine urgency arises and the Chairman is not available, the Clerk will consider the position with at least one Councillor and take agreed action.
- 5.3** Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for comment by the media should make it clear that it is a personal view and ask that it be clearly reported as their personal view.
- 5.4** Unless a Councillor is absolutely certain that he is reporting the view of the Council, he must make it clear to members of the public that he is expressing a personal view.
- 5.5** If a Councillor receives a complaint from a member of the public, this should be dealt with under the Council's adopted complaints procedure (see 7 below), or via a Council agenda item if relating to a policy decision.
- 5.6** The Clerk should be issuing most of the correspondence from the Council to other parties but if it is appropriate for a Councillor to correspond with external parties he needs to be made clear that it is written in official capacity and has been authorised by the Council. A copy of all such outgoing correspondence should be sent to the Clerk, and it be noted on the correspondence, e.g. "copy to the Clerk" so that the recipient is aware that the Clerk has been advised.

## **6 FREEDOM OF INFORMATION (FOI) REQUESTS**

The Council will establish a separate policy summarising the availability and accessing of information under the Freedom of Information Act 2000. The Responsible Officer will advise the Chairman of all FOI requests.

## **7 COMPLAINTS PROCEDURE**

- 7.1** The following procedures deal with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
- 7.2** If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk a written record of the complaint will be made having established that the complainant requires a review, noting the name and contact details of the complainant and the nature of the complaint.
- 7.3** The complainant will be asked to put the complaint in writing to the Clerk or the Chairman if the complaint relates to the Clerk. The Council will endeavour to ensure that the complaint will be dealt with within 21 days of receipt. Refusal to put the

complaint in writing does not necessarily mean that the complaint cannot be investigated.

- 7.4** On receipt of a written complaint, the Clerk (except where the complainant is about the Clerk's actions) or Chairman (if the complaint relates to the Clerk), may seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
- 7.5** Where the Clerk or a Councillor receives a written complaint about the Clerk's actions, he shall refer the complaint to the Chairman. The Clerk will be formally advised of the matter and be given an opportunity to comment.
- 7.6** The Clerk (or Chairman) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
- 7.7** The Clerk (or Chair) will report any complaint that has not been resolved to the next Council meeting. The Clerk will 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 orally.
- 7.8** 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.
- 7.9** As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
- 7.10** 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.
- 7.11** The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

## **8 FINANCE**

### **8.1 Responsible Financial Officer (RFO)**

**8.1.1** The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine

on behalf of the Council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices.

**8.1.2** The RFO shall produce financial management information as required by the Council.

## **8.2 Register of assets**

A register of Council assets will be maintained by the RFO who will review the register annually.

## **8.3 Budget and precept**

**8.3.1** A budget for the following year will be prepared by the RFO in consultation with the Chairman for consideration and adoption by the Council before the end of every financial year and within sufficient time to provide a basis for the determination of the precept.

**8.3.2** The RFO will monitor income and expenditure against budget and advise the Council of material anomalies.

## **8.4 Bank account**

**8.4.1** A bank current account will be maintained subject to a mandate approved by the Council.

**8.4.2** Bank account and other financial records will be retained by the RFO for at least six years.

**8.4.3** All cheque payments and other bank instructions will require the signature of any two Councillors, apart from online bank payments where the Clerk and any Councillor may jointly authorise payment. *(As extended by a resolution dated 25 October 2021.)*

**8.4.4** The RFO will undertake and retain monthly bank reconciliations between the bank statements and the financial records.

## **8.5 Authorisation of expenditure**

**8.5.1** All Councillors and Officers are responsible for obtaining value for money at all times.

**8.5.2** No expenditure may be incurred unless the Council is satisfied that the necessary funds are available.

**8.5.3** No financial commitment including credit facilities may be contracted for or otherwise incurred without the prior approval of Council.

**8.5.4** All bank payments must be in respect of expenditure approved by Council. Recurring expenditure such as utility payments, street light maintenance and payroll costs once approved by Council are deemed to have ongoing prior approval for payment until the Council decides otherwise.

**8.5.5** All payments will be separately reported in the Council minutes.

**8.5.6** Chequebook counterfoils must be completed prior to signing cheques.

## **8.6 Receipts**

**8.6.1** All receipts will be separately recorded in the Cash Book and will be reported in the Council minutes.

**8.6.2** The RFO will monitor receipts and advise Council of any overdue amounts.

## **8.7 Accounting records**

**8.7.1** The RFO will maintain a cashbook record detailing all receipts and expenditure.

**8.7.2** Analysis must be provided if any expenditure arises under Section 137 of the Local Government Act 1972 as subsequently amended.

**8.7.3** Invoices, receipts and correspondence will be maintained by the RFO to support transactions, providing a clear audit trail.

**8.7.4** The RFO will compare the cash book with the minuted receipts and minuted expenditure.

## **8.8 Audit and Annual Governance Statement**

**8.8.1** The Council will arrange an annual internal audit by a competent person who was independent of the Council during the year and who remains so.

**8.8.2** The RFO shall prepare the accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.

## **8.9 Accounting statements**

Accounting Statements will be prepared by the RFO for each financial year ending

31 March in accordance with the Accounts and Audit Regulations and these will be considered and approved by the Council before 30 June.

#### **8.10 Internal control and financial risk assessment**

The Council is responsible for putting in place arrangements for the management of risk. At least once a year, prior to approving the annual return, the Council shall conduct a review of the effectiveness of its system of internal control including a risk assessment which shall be in accordance with proper practices.

#### **8.11 Salaries**

As an employer, the Council shall make arrangements to fully meet the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.

#### **8.12 VAT**

The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994, section 33, shall be made at least annually to coincide with the financial year-end.

#### **8.13 Insurance**

The Council will review its insurance cover annually to ensure cover is appropriate.

#### **8.14 Donations and Sponsorship**

The Parish Council will not consider an application for a donation or sponsorship unless it can be shown that the donation or sponsorship will be used wholly and exclusively for the parish. (Standing Order adopted by resolution on 28 January 2019.)

### **9 STANDING ORDERS PROCEDURES**

**9.1** A copy of these Standing Orders shall be given to all Councillors.

**9.2** With the exception of 2.10.6 above regarding rescinding resolutions, Standing Orders may be amended by normal resolution providing the standard notice is given and the proposal is not contrary to statutory requirements. Standing Order 2.10.6 may similarly be amended provided it does not shorten the timescale for rescinding existing resolutions.

**9.3** The date of amendment will be shown against any amended Standing Order.

**10 PLANNING APPLICATONS (adopted 28 November 2011)**

**10.1** Invitations for the Council to comment on local authority planning applications should be advised to Councillors by the Clerk as soon as practicable after receipt. The Clerk should attach a copy of Standing Order 10.3 below reminding Councillors to consider whether there are wider implications necessitating added consultation with parishioners.

**10.2** (As amended 27 Feb 2012)

**10.2.1** Whenever possible planning application consideration should be within a customary Council meeting. However, where a response has to be submitted before the next scheduled Council meeting and important implications for the parish do not arise, the response may be determined by a Planning Application Committee (PAC). The Clerk will then be instructed how to respond by the Chairman or acting chairman of the PAC, reflecting the majority decision of the committee members. Whenever possible, the submission of the response should be deferred until the end of the consultation period to enable councillors to receive comments from parishioners.

**10.2.2** The PAC will consist of the Chairman of the Council and two appointed Councillors. If a member of the PAC is unavailable or unable to perform duties because of a prejudicial interest, the remaining members of the committee must co-opt a replacement Councillor.

**10.2.3** Meetings of the PAC may be held without notice and without members of the public or press in attendance.

**10.2.4** The Chairman of the Council will be chairman of the PAC or in his absence, his appointee. In the event of a tied vote, the chairman of the meeting will have a second, casting vote.

**10.3** When a planning application is considered to have important implications for the parish, Councillors should take reasonable steps to ensure that parishioners are made aware of the application and invite comments before Councillors vote on the issue at an ordinary meeting of the Council. If timing prevents the application being considered at a scheduled Council meeting, an extraordinary meeting of the Council should be called to determine the response to the application.

**11 MEMBERS' CODE OF CONDUCT (adopted 20 May 2021)**

**SECTION 1:**

**INTRODUCTION**

**The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors.**

**The Code is underpinned by the following seven Nolan principles of public life, which should be adhered to when interpreting the meaning of the Code. Councillors should behave with:**

1. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
2. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
4. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** – and should promote and support these principles by leadership and example.

## **SECTION 2: GENERAL PROVISIONS**

### **1. Introduction and Interpretation**

- 1.1 This Code applies to all members of the Council. It is your responsibility to comply with the provisions of this Code.
- 1.2 In this Code:
- a) “the Council” refers to Thorpe Mandeville Parish Council.
  - b) “Councillor” means any person being a Member of the Council.
  - c) “Meeting” means any meeting of:
    - the Council
    - any of the Council’s committees, or sub-committees
    - any of the Council’s advisory groups, working parties and panels.

### **2. Scope**

- 2.1 This Code applies to you whenever you are acting in the capacity as a Member of the Council: not only when attending meetings. For example, it will also include but is not limited to Members’ dealings with officers, Members’ dealings with the public, when Members represent the Council on outside bodies, any statements made by a Member on behalf of the Council.

### **3. General Obligations**

- 3.1 You must treat others with respect.
- 3.2 You must not do anything which may cause the Council to fall foul of UK equalities legislation.
- 3.3 You must not bully or intimidate any person or do anything which compromises the independence of those who work for the Council.
- 3.4 For the purposes of this paragraph, bullying is defined as: “offensive, intimidating,

**malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples of bullying include, but are not limited to:**

- spreading malicious rumours, or insulting someone by word or behaviour.
- copying communications that are critical about someone to others who do not need to know.
- ridiculing or demeaning someone – picking on them or setting them up to fail.
- exclusion or victimization.
- unfair treatment.
- overbearing supervision or other misuse of power or position.
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation.
- deliberately undermining a competent worker by overloading and constant criticism.
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.5 You must not intimidate or attempt to intimidate any person who is or may be:

- a complainant;
- a witness; or
- involved in the administration of this Code.

3.6 You must not make trivial or malicious allegations against others.

3.7 You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council.

- 3.8 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 3.9 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity.
- 3.10 You must not pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
- you have the consent of a person authorised to give it
  - you are required by law to do so
  - the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
  - the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Council.
- 3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 3.12 You must not use or attempt to use your position as a Councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.
- 3.13 You must, when using, or authorising the use by others of, the resources of the Council:
- act in accordance with the Council's reasonable requirements
  - ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.14 You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

- 3.15 You must comply with any formal standards investigation into your conduct or the conduct of another Councillor.
- 3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:
- the Council's Responsible Finance Officer; or
  - the Council's Monitoring Officer
  - where that officer is acting in that role.
- 3.17 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **SECTION 3: INTERESTS**

### **1. Registration of Interests**

- 1.1 Within 28 days of this Code being adopted by your Council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).
- 1.2 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.

### **2. Disclosable Pecuniary Interests**

- 2.1 Where a matter arises at a meeting in which you have an interest in Appendix A, you must declare the interest (unless it is sensitive - see section 5 below), not participate, or participate further, in any discussion or vote further on the matter and must not remain in the room unless granted a dispensation.

### **3. Other registerable interests**

- 3.1 Where a matter arises at a meeting in which you have an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

### **4. Non-registerable interests**

- 4.1 Where a matter arises at a meeting which relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4.2 Where a matter arises at a meeting which affects your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B you must disclose the interest;
- 4.3 Where the matter referred to in paragraph 4.2 affects the financial interest to a greater

**extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.**

## **5. Sensitive Interests**

- 5.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

## **APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS**

1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
  - 2.1 it is an interest of yours, or
  - 2.2 it is an interest of:
    - your spouse or civil partner
    - a person with whom you are living as husband and wife, or
    - a person with whom you are living as if you were civil partners
    - and you are aware that that other person has the interest.
3. Disclosable Pecuniary Interests are:

<b>Interest</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period 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>
<b>Contracts</b>	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Council</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>
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	<p>Any tenancy where (to your knowledge)</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>

<b>Securities</b>	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) where 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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

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

## **APPENDIX B - OTHER REGISTERABLE INTERESTS**

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Council;
2. Any body-
  - exercising functions of a public nature;
  - directed to charitable purposes; or
  - 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;
3. Any gifts or hospitality worth more than an estimated value of £10 which you have received by virtue of your office, or a series of gifts or hospitality, from the same source within any 12-month period which together are worth more than an estimated value of **£10**.

## **PART 2: GIFTS AND HOSPITALITY OFFERED TO COUNCILLORS**

### **1. General Principals**

- 1.1 Councillors should treat with caution any offer of a gift, favour or hospitality that is made to them. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is doing business, or seeking to do business with the Council. Councillors should ask themselves “Would I have been given this if I was not on the Council?”
- 1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, Councillors should be particularly sensitive as to their timing in relation to decisions which the Council may be taking. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.
- 1.3 Councillors may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to Councillors with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, Councillors should ensure that such offers are advised to appropriate officers.
- 1.4 As with all other aspects of this Code, Councillors should be confident that whatever they do should be seen to be an example to the community of proper conduct and behaviour.

### **2. Registering Gifts and Hospitality**

- 2.1 This Code of Conduct sets out the requirement for Councillors to register the receipt of any gift or hospitality worth £10 or over that they receive in connection with their official duties as a Councillor. If in doubt as to the value, the Councillor should register the offer anyway. An accumulation of gifts from the same source over a short period that adds up to £10 or more should also be registered. The Member must register the gift or hospitality and its source by completing a written declaration within 28 days of receiving it.
- 2.2 The Council will maintain a register of gifts and hospitality received by Councillors where the value is £10 or more in value. The register is maintained by the Council’s Proper Officer on behalf of the Monitoring Officer. Members should immediately notify the Proper Officer of any such gifts or hospitality received and enter the relevant details in the register. The register will be made available to the public via the Council’s web site. It will be updated at least quarterly.
- 2.3 Councillors do not need to register gifts and hospitality that are not related to their role as a Councillor.



## **Appendix C - Arrangements for Making Complaints**

If a person wishes to make a complaint about a councillor under the Code of Conduct, it should be addressed to:

The Monitoring Officer  
West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

or e-mail [catherine.whitehead@westnorthants.gov.uk](mailto:catherine.whitehead@westnorthants.gov.uk)

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

To ensure that the Monitoring Officer has all the information needed to process a complaint, it is recommended that complainants use the complaint form, which is available on request from the Monitoring Officer or can be downloaded from [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk)

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