



NEWBY & SCALBY PARISH COUNCIL

STANDING ORDERS AND FINANCIAL REGULATIONS

Adopted 8th October 2014

CODE OF CONDUCT

Adopted 11th July 2012

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INFORMATIVE

Some matters concerning which a Council would normally make a standing order have been laid down in Acts of Parliament and are therefore compulsory (and as such cannot be varied, suspended or revoked). The standing orders based on them are therefore printed in **heavy type**.

References to “he” should also be construed to mean “she”. The words “Chairman and Vice Chairman, are used regardless of gender

Notes are printed in *italics*.

PART I

STANDING ORDERS

MEETINGS

- S01** (a) Smoking (including the use of devices intended to imitate smoking) is not permitted at any meeting of the Council.
- (b) All mobile phones must be switched to off or silent for the duration of the Council meeting.
- S02** **The Statutory Annual Meeting in an election year shall be held on the fourth day after the ordinary day of elections to the Council or within 14 days thereof and in any other year shall be held in May.**
- S03** **The 3 other statutory meetings shall be held in the months of July, September and November.**
- S04** **6 additional meetings shall be held in the months of January, February, March, April, June, October and December.** A Council Meeting will not normally be held during the month of August.

CHAIRMAN OF MEETING

- S05** **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

PROPER OFFICER

- S06** Where a statute, regulation or order confers functions or duties on the proper officer of the Council, in the following cases it shall be the Clerk:
- (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing 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 byelaws made by another local authority.
 - (f) To certify copies of byelaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council,
 - (h) To keep proper records for all council meetings

In any other case, the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

QUORUM

- SO7** 5 members shall constitute a quorum.
- SO8** If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

- SO9.** Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- SO10** **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.** Such a request must be made before moving to the next item on the agenda.
- SO11** (1) **Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no 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.**

ORDER OF BUSINESS

(In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer before the annual meeting commences.)

- SO12** **At each Annual Meeting the first business shall be**
- (a) **To elect a Chairman.** The Clerk will ask for nominations from the Members and all nominations must be seconded. Nominees must be present at the meeting, they cannot be elected *in absentia*. If more than one member is nominated and seconded the election may be by a paper ballot and the Clerk may provide ballot papers. *(NOTE: In an election year, the outgoing Chairman presides over the election of a new chairman, even if he wasn't re-elected - he does NOT have an original vote but he DOES have a casting vote, see 11.2 above.)*
- (b) **To receive the Chairman's declaration of acceptance of office.**

(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 which have not been received as provided by law shall be received.

(e) To elect a Vice-Chairman. The Chairman will ask for nominations from the members and all nominations must be seconded. Nominees must be present at the meeting, they cannot be elected *in absentia*. If more than one member is nominated and seconded the election may be by a paper ballot and the Clerk may provide ballot papers.

(f) To consider the payment of any subscriptions falling to be paid annually.

(g) To appoint representatives to outside bodies.

(h) To appoint co-ordinators of specified matters [eg. footpaths]

and shall thereafter follow the order set out in Standing Order 16.

SO13 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.

SO14 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, other than the Clerk, if any. (See also Standing Order 35).

SO15.1 During the month of March each year the Council will review the terms and conditions of the Clerk's Contract of Employment and irrespective of these terms and conditions may amend, vary, revoke any term or condition in light of current requirements of the job and the job holder in fulfilling the duties of the post. Such recommendations to be placed before the April Meeting of the Council and, if approved, to take effect from 1st April of the same year or such other date as may be specified or desired.

SO15.2 At the discretion of the Chairman or Vice Chairman of the Council, to review the same terms and conditions at any other time provided he is satisfied that there are appropriate and extenuating reasons to do so and any recommendations as a result thereof will be placed before the next Council Meeting and if approved will take effect from whatever date is deemed appropriate.

SO16 After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds 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) Public Open Forum - to receive items raised by members of the public

(f) To receive reports from the Police, County and Borough Councillors

(g) To consider matters raised in the Public Open Forum

(h) To answer questions from Councillors (see Orders 23-26 below)

(i) Other business specified in the summons.

SO17 A motion to vary the order of business on the ground 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.

RESOLUTIONS MOVED ON NOTICE

SO18 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 not later than Tuesday in the week before the next meeting of the Council.

SO19 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given unless the member giving the notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

SO20 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 be treated as withdrawn and not moved without fresh notice.

SO21 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

SO22 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 authorise the signing of legal documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public. (see Order 63 below.)
- (o) To silence or eject from the meeting a member named for misconduct. (See Order 36 below.)
- (p) To invite a member having an interest in the subject matter under debate to remain. (See Order 53 below.)
- (q) To give the consent of the Council where such consent is required by these Standing Orders
- (r) To suspend any Standing Order. (See Order 74 below.)
- (s) To adjourn the meeting.

QUESTIONS

SO23 A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

SO24 Questions not connected with the business under discussion shall only be asked during the part of the meeting set aside for questions.

SO25 Every question shall be put and answered without discussion.

SO26 A person to whom a question has been put may decline to answer.

RULES OF DEBATE

SO27 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 of the meeting.

SO28

- (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 the mover of a resolution shall exceed 4 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 or add 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 be 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 4 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. A personal explanation shall be confined to some material part of a former speech by him 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 do leave the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

SO29 (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 wish to speak, the Chairman shall decide who to call upon to speak.

(c) Whenever the Chairman is speaking all other members shall be seated and silent.

CLOSURE

SO30 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 "to put the question", 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;

RIGHT OF REPLY

SO31 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

SO32 A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- SO33** (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 **5** members of the Council.
- (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 the following further six months.

VOTING ON APPOINTMENTS

- SO34** 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.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- SO35** 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. 63.)

CONDUCT

- SO36** (a) All members must observe the Code of Conduct which was adopted by the Council on 11th July 2012, a copy of which is annexed to these Standing Orders.
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully 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 (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.

RESOLUTIONS ON EXPENDITURE

- SO37** Any resolution which, if carried, would, in the opinion of the Chairman, as advised by the Responsible Financial Officer, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of the Council, or which would involve unplanned capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

EXPENDITURE

- SO38** (a) The Responsible Finance Officer, shall be responsible for prescribing the financial regulations of the Council and for the proper administration of the Council's financial affairs.
- (b) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, or to an employee.
- (c) The Council's financial regulations shall be reviewed regularly and may only be varied or amended by resolution of the Council.

ACCOUNTS AND FINANCIAL STATEMENT

- SO39** (a) Except as provided in paragraph (b) of this Standing Order, or by PART II (Financial Regulations) or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness by the Responsible Financial Officer & the approval of the Chairman or Vice-Chairman of the Council sought.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments laid before the Council.

ESTIMATES

- SO40** The Council shall approve written estimates for the coming financial year no later than its meeting in the month of January.

SEALING OF DOCUMENTS

- SO41** (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

(b) In accordance with a resolution made under standing order 22(j) above, **any two members of the Council, may seal, on behalf of the Council, any document required by law to be issued under seal and the Proper Officer must witness their signatures.**

COMMITTEES

SO42 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, 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;

(c) May subject to the provisions of Order 33 above at any time dissolve or alter the membership of a committee.

By Resolution of Full Council the Committees may be suspended for a period to be determined by Council. Where this is invoked then reference to committee shall be interpreted, where relevant, as meaning full council.

SO43 The Chairman and Vice-Chairman ex officio shall be members of every committee unless they signify they do not wish to so serve.

SO44 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.

SO45 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 a quarter 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.

SO46 Except where ordered by the Council the quorum of a committee shall be a minimum of 3 members for a committee consisting of 6 ordinary members plus the Chairman and Vice Chairman as ex-officio members and a minimum of 2 members for a committee consisting of 4 ordinary members plus the Chairman and Vice Chairman as ex-officio members.

SO47.1 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 meetings.

SO47.2 Where a member of the Council is present at a committee meeting but is not an appointed member of that committee, then they do not have an automatic right to speak to the motions. However, with the permission of the Chairman, they may, if asked to do so by the committee, impart any relevant information or particular knowledge or experience, in order to assist the committee in arriving at its decision, but in doing so must not seek to express an opinion on the decision to be taken.

SO47.3 In order to avoid confusion, especially for members of the public who attend meetings, as to which Councillor is a member of a committee, then non-members shall be seated separately and apart from the members of the committee. Councillors are only entitled to inspect committee documents or have committee papers for those committees of which they are a member.

VOTING IN COMMITTEES

SO48 Members of committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

SO49 **Chairmen of committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

SO50 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.

DELEGATED POWERS

SO51 The Council delegates full executive powers, as follows:-

(a) In the case of matters requiring an immediate or speedy decision in the interests of the efficient and effective discharge of any of the Council's functions, the Clerk shall be authorised, in consultation with the Chairman and/or Vice Chairman, to exercise that function.

(b) In the case of a planning matter, where the deadline for Council's comments falls before the next scheduled Council meeting and an extension cannot be obtained from the planning authority, the Clerk shall obtain the comments of the Chairman or Vice Chairman plus any two councillors and their comments will form the basis of the Parish Council's comments to the planning authority. The submitted comments should be reported to the next scheduled council meeting for confirmation. Where there are sufficient planning applications to warrant calling a planning applications only meeting then the Clerk may call a meeting. In the case

of an application which the Clerk considers is likely to be contentious or create considerable local interest, then he shall call a meeting.

(c) A report of the action carried out under 51(a) or (b) shall be made to the next meeting of the Council for formal endorsement and recording in the minutes. The Council will indemnify the Clerk, when acting *bona fides* in the exercise of delegated powers, in any proceedings brought in respect of any acts done in the discharge of a delegated function.

SO52 The Council delegates financial authority to the Clerk & RFO as laid out in the Council's Financial Regulations.

DECLARATION OF INTERESTS AT MEETINGS

SO53 Where a matter arises at a meeting which relates to an interest in Appendix A of the Council's adopted Code of Conduct the member shall:

- (a) declare what his/her interest is (if not already entered into his/her Register);
- (b) not participate in a discussion or vote on the matter;
- (c) leave the room entirely while the matter is discussed and voted upon unless:-
 - (i) The disability imposed upon him by those sections has been removed by means of a lawfully granted dispensation; or
 - (ii) The Council invite him to remain.

SO54 Subject to Standing Order 53, where a matter arises at a meeting which relates to an interest in Appendix A of the Council's adopted Code of Conduct which is a sensitive interest, the member shall disclose that he/she has an interest but not the nature of it.

SO55 Where a matter arises at a meeting which relates to an interest in Appendix B of the Council's adopted Code of Conduct, the member:

- (a) shall declare what his/her interest is (if not already entered into his/her Register or if he/she speaks on the matter);
- (b) may speak on the matter only if members of the public are also allowed to speak at the meeting
- (c) shall not vote on the matter.

SO56 Subject to Standing Order 55, where a matter arises at a meeting which relates to an interest in Appendix B of the Council's adopted Code of Conduct which is a sensitive interest, the member shall disclose he/she has an interest but not the nature of it.

S057 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A of the Council's adopted Code of Conduct), the member:

- (a) shall disclose the nature of the interest
- (b) may speak on the matter only if members of the public are also allowed to speak at the meeting
- (c) shall not vote on the matter.

If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

S058 On each occasion an interest is declared a member shall complete a form giving particulars of any interest declared. These forms will be retained by the Clerk, who will record within the minutes all declarations of interest made.

S059 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 Standing Order 58 shall apply.

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

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

S060 (a) Canvassing of members of the Council, 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.

(b) A member of the Council 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.

INSPECTION OF DOCUMENTS

S061 Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council, and request a

copy for the same purpose. The minutes of meetings of the Council shall be available for inspection by councillors

UNAUTHORISED ACTIVITIES

- SO62** Unless previously authorised by resolution of the Council, no Councillor 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, or
 - (c) incur any expenditure.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- SO63** **The public shall be admitted to all meetings of the Council which may, however, temporarily exclude the public** by means of the following resolution:

"Pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 it be resolved that, because of the confidential nature of the business about to be transacted, or the special reasons stated, the public and the press leave the meeting during the consideration of *[state the item(s) of business]*"

(Notes: The reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

- SO64** **Reporting of a meeting may only take place in accordance with the Public Bodies (Admission to Meetings) Act 1960 as amended and Section 3 of the Openness of Local Government Bodies Regulations 2014.** Any person who breaches this standing order will be warned and if they persist will be excluded from the meeting and/or dealt with in accordance with Standing Orders and the Council's adopted Code of Conduct.

- SO65** **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present**

- SO66** If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

- SO67** A record of a public participation session at a meeting shall be included in the minutes of that meeting

CONFIDENTIAL BUSINESS

- SO68** (a) Councillors shall not disclose to any person not a member or employee of the Council any business declared to be confidential by the Council, or information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- SO69** A notice of council meetings shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.

PLANNING APPLICATIONS

- SO70** (a) Details of all planning applications will be held electronically and will contain the following data:-
- (i) the proposal;
 - (ii) name of the applicant(s);
 - (iii) site location
 - (iv) planning application number
- (b) The data collated in SO70(a) will be incorporated into the agenda for the next available meeting and the original documents and plans made available for inspection by members.

COMPLAINTS PROCEDURE

- SO71** Complaints regarding Council's administration and procedures shall be dealt with in accordance with Council's adopted Complaints Policy.
- SO72** Complaints regarding alleged breaches of the Council's adopted Code of Conduct shall be referred to the Monitoring Officer at Scarborough Borough Council.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- SO73** 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.

- S074** A resolution to permanently add to, vary, or revoke a Standing Order which is not mandatory in law shall, when proposed and seconded,
- (a) stand adjourned without discussion to the next ordinary meeting of the Council, and
 - (b) not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- S075** 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.
- S076** The Chairman's decision as to the application of standing orders at meetings shall be final.

OFFICE OF THE CLERK

- S077** No Member shall have the right to ask or demand that the Clerk carry out any act or deed which is not in fulfilment of a Resolution of the Council, in fulfilment of his obligations as the Responsible Officer of the Council or in pursuance of the legitimate aims or best interests of the Council.
- S078** Where any additional work or duties are required of the Clerk, Members must agree such work with the Chairman or Vice Chairman of the Council prior to it being carried out and the Chairman or Vice Chairman will instruct the Clerk accordingly.

PART II

FINANCIAL REGULATIONS

1 GENERAL

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory officer and shall be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly. 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.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 The council shall periodically conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in "Governance and Accountability in Local Councils in England and Wales — a Practitioners Guide" which is published jointly by NALC and SLCC and updated from time to time.

2 ANNUAL ESTIMATES (BUDGET)

- 2.1 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the Council.

- 2.2 The Council shall review the budget not later than the end of December each year and shall fix the Precept to be levied for the ensuing financial year no later than the January meeting. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.3 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.4 The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall when requested provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget.
- 3.4 The Clerk & RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £250 on the Clerk's own initiative or £500 in conjunction with the Chairman or Vice Chairman of Council. The Clerk shall report the expenditure to the next Council Meeting for approval in accordance with Standing Order SO51(c).
- 3.5 The Clerk and RFO may, subject to the prior agreement of either the Chairman or Vice Chairman of the Council, authorise expenditure in excess of £500 only where it is necessary to do so to ensure that the Council meets its legal and contractual obligations (for example on annual renewal of insurance cover falling to be paid between Council Meetings) and all such expenditure incurred must be reported to the next Council Meeting for approval in accordance with Standing Order SO51(c).
- 3.6 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council

is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.

- 3.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4 ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall complete 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.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis by way of internal audit reports. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5 BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. At least half the members of the council will be included as approved signatories on the Bank Mandate. The RFO will also be included on the bank mandate so he can obtain bank statements and communicate with the bank. The arrangements shall be periodically reviewed for efficiency.
- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be signed by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by three persons, at least two of whom shall be members of Council.
- 5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6 PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by Cheque, Standing Order or Direct Debit Mandate (see 6.6 below) drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the 'work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, and the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 The RFO will operate a petty cash system for the purpose of defraying operational and other expenses. Vouchers/Receipts for payments must accompany all claims for reimbursement:

- a) The RFO shall maintain a petty cash float of £150 (or other such amount as may be agreed by council and recorded in its minutes) for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.
- 6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. All payments made by direct debit mandate must be reported to council on the next schedule of payments and /or cash book reconciliation.
- 6.7 Each month the RFO will reconcile the cash book and reconcile the bank statement with details reported to Council.

7 PAYMENT OF SALARIES

- 7.1 As an employer, the council shall make arrangements to meet fully 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. The RFO will be responsible for compliance with PAYE & National Insurance legislation.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

8 LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The council shall consider the need for an investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.

- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges periodically, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year and a Resolution passed to this effect and recorded in the minutes of the meeting at which the decision was taken.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 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 quarterly (providing the amount to reclaim exceeds the reclaim limit) with the final claim coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable the best available terms are obtained in respect of each transaction, usually by attempting to obtain three or more estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (l) below.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman or Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

- (b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.
- (c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- (d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- (f) If less than three tenders are received for contracts over £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) Any invitation to tender issued under this regulation shall be subject to Standing Order 60 and shall refer to the terms of the Bribery Act 2010.
- (h) When it is to enter into a contract of less than £25,000 and above £10,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply). Where the

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

value is below £10,000 and above £1,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

- (i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

12 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13 STORES AND EQUIPMENT

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14 ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents

payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £100.

14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15 INSURANCE

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The Clerk shall give prompt notification to the Insurers of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurance's.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 CHARITIES

- 16.1 Where the Council is sole trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with charity law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by charity law or any governing document.

17 RISK MANAGEMENT

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be periodically reviewed by the council.
- 17.2 When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.

18 REVISION OF FINANCIAL REGULATIONS

- 18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.

19 DELEGATED AUTHORITIES TO CLERK & RFO

This section summarises the extent of the delegated financial authorities of the Clerk & RFO:

- 19.1 Urgent expenditure limit up to £250 on his/her own initiative and £500 in conjunction with the Chairman or Vice Chairman of Council (see FR 3.4)
- 19.2 With the agreement of the Chairman or Vice Chairman of Council, urgent expenditure exceeding £500 which is specifically for the purpose of ensuring Council meets its legal or contractual obligations (see FR 3.5)
- 19.3 Operate a Petty Cash Float in the sum of £150 (see FR 6.5)
- 19.4 Incur additional audit costs up to £250 (See FR 11.1(a)(v)).

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PART III

The following code is the NALC template code of conduct adopted by Newby & Scalby Parish Council on 11th July 2012 and by which every councillor agreed to be bound. Whilst it is not part of the Standing Orders it is included with them to ensure completeness of information.

Introduction

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

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

Definitions

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

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

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

Member obligations

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

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

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

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

is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

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

Appendix A

Interests described in the table below.

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

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

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

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Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;

- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Document History		
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