

LOXWOOD PARISH COUNCIL

STANDING ORDERS **January 2013**

STANDING ORDERS

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1 Meetings

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**

- b **Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct. Meetings of the Council shall in the main be held in the North Hall, Loxwood, West Sussex at 7.30 pm unless the Council otherwise decides at a previous meeting.**

- c **Smoking is not permitted at any meeting of the Council.**

- d **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

- e **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- f **Members of the public may ask questions of the Chairman of the Council and any Chairman of an Ordinary Committee at Ordinary Meetings of the Council and may make representations on any specific item on the Agenda.**

Order of Questions

- g Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

Notice of Questions

- h A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Clerk no later than 12.00 on the last but one working day before the date of the meeting. Each question must give the name and address of the questioner.

Number of and Time Limits on Questions

- i At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation. Unless the Chairman otherwise specifies, each speaker will be limited to three minutes in which to ask the question or questions. Subject to the Chairman's discretion there will be an overall limit of 15 minutes devoted to public questions.

Scope of Questions

- j The Clerk may reject a question if it:-
- a. Is not about a matter for which the Council has a responsibility or which affects the Parish;
 - b. Is defamatory, frivolous or offensive;
 - c. Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - d. Requires the disclosure of confidential or exempt information.
- k In accordance with standing order 1(i) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Committee for an oral response or to an employee for a written or oral response.

Record of Questions

- l The Clerk will record each question and make the same available for public inspection and will immediately send a copy of the question to Councillors. Rejected questions will include reasons for rejection.
- m Copies of questions will be circulated to all Councillors and will be made available for the public attending the meeting.

Asking the Question at the Meeting

- n The Chairman will invite the questioner to put the question in the notice to the Council. If a questioner who has submitted a written question is unable to be present, he or she may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

Supplemental Question

- o A questioner who has put a question in person may also put one supplementary question without notice to the Council following the response (if received) to his or her original question. A supplementary question must arise directly out of the original question or their reply. The Chairman may reject a supplementary question on any of the grounds under 1(j) above.
- p A record of a public participation session at a meeting shall be included in the minutes of that meeting.

Written Answers

- q Any question which cannot be dealt with during public question time, either because of lack of time, will be dealt with by a written answer.

Reference of Question to a Committee

- r Unless the Chairman specifies otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the appropriate committee. Once seconded, such a motion will be voted on without discussion.

Public Speaking on Specific Items

- s Members of the public may make a statement on any item on the Agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to three minutes in which to make a representation. Unless the Chairman specifies otherwise, the total time for such representations by Councillors or the public shall not exceed 15 minutes.
- t Speakers shall give notice by no later than 12.00 on the last but one working day before the

meeting of their intention to speak.

Planning Applications

- u Where the item concerns a planning application the rules will be modified to allow each objector three minutes each subject to an overall limit of six minutes, applicants and supporters, three minutes each subject to an overall limit of six minutes.
- v A person shall raise his hand and declare their name when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- w Any person speaking at a meeting shall address his comments to the Chairman.
- x Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- y **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- z **In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- aa **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- bb **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- cc **Subject to model standing order 1 (dd) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

- dd** The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *(See also standing orders 2 (h)*
- ee** Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- ff** The minutes of a meeting shall record the names of councillors present and absent.
- gg** If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- hh** The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- ii** An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. *(See also standing orders I(i) and I (iii) below)*
- jj** No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- kk** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- ll** Meetings shall not normally exceed a period of *three* hours.

2 Ordinary Council meetings

See also Standing Order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c If no other time is fixed, the Annual Meeting of the Council shall take place at 7.30 pm.**
- d In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:-**
 - i. To receive the Chairman's declaration of acceptance of office, or if not then received, to decide when it shall be received.**
 - ii. In an election year, delivery by all councillors of their Declarations of Acceptance of Office.**
 - iii. If not an election year to decide when any Declarations of Office should be received as provided by Law.**

- iv. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- v. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- vi. Review of the terms of references for committees/sub committees.
- vii. Receipt of nominations to existing committees.
- viii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- ix. Appointment of Council's Internal Auditor for the forthcoming year.
- x. Appointment of the Council's Internal Controller for the forthcoming financial year.
- xi. Review and adoption of appropriate standing orders and financial regulations.
- xii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- xiii. Review of representation on or work with external bodies and arrangements for reporting back.
- xiv. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xv. Review of inventory of land and assets including buildings and office equipment.
- xvi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xvii. Review and confirm arrangements in relation to the Code of Conduct 'Dispensation Scheme'.
- xviii. Review of the Council's and/or employees' terms and conditions, and memberships of other bodies.
- xix. Establishing or reviewing the Council's complaints procedure.
- xx. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xxi. Establishing or reviewing the Council's policy for dealing with the press/media.
- xxii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following:-
- i. **[Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.]**
OR
[Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer].
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least *eight* days before the meeting confirming his withdrawal of it.
 - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
 - v. Make available for inspection the minutes of meetings. (See Appendix B)
 - vi. **Receive and retain copies of byelaws made by other local authorities.**
 - vii. **Receive and retain declarations of acceptance of office from councillors.**
 - viii. Receive and retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - ix. Ensure that the Member's Register of Interest is displayed in accordance with the regulations on the relevant Parish Council website.
 - x. Ensure that the relevant copies of the Registers are submitted to the District Council's Monitoring Officer.

- xi. Receive complaints under the Code of Conduct as referred to the Council from the District Council's Monitoring Officers/Standards Committee ensuring that these are referred to the relevant Parish Council Committee.
- xii. Keep proper records required before and after meetings;
- xiii. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xiv. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xv. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xvi. Arrange for legal deeds [to be sealed using the Council's common seal] OR [to be signed by 2 councillors] and witnessed (*See also model standing orders 14(a) and (b).*)
- xvii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xviii. Record every planning application notified to the Council and the Council's response to the local planning authority in a book (electronic format) for such purpose;
- xix. Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning and Development committee or follow lines of delegated powers as prescribed by the Council.
- xx. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xxi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least *eight* clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in

the wording of the motion.

- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least *eight* clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book/electronic file, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book/electronic file for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice:-
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absence of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.

- vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xvii. To extend the time limit for speeches.
 - xviii. To exclude the press and public for all or part of a meeting.
 - xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xx. To give the consent of the Council if such consent is required by standing orders.
 - xxi. To suspend any standing order except those which are mandatory by law.**
 - xxii. To adjourn the meeting.
 - xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxiv. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.

- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding *three* minutes.

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7 Code of conduct

See also model standing orders 1 above

The Code of Conduct adopted by the Parish Council on 25th July, 2012.

- a **All councillors shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c **Where paragraph 12(2) of the Code of Conduct applies, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
- e **Disclosure – Councillors must disclose the nature and extent of the Disclosable Pecuniary Interest and must leave the meeting before the commencement of the business to be transacted and not return until the conclusion of the matter under discussion.**
- f **Councillors with a Disclosable Pecuniary Interest must leave the meeting.**
- g **Notification of disclosable pecuniary interests**
 - (i) Before the end of 28 days beginning with the day you become a councillor or co-opted councillor, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’. These interests are defined by regulations as follows –
A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions at Appendix D.
 - ii) **Register of interests**

Subject to 3 below, any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

iii) **Sensitive interests**

Where you and the Monitoring Officer consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under *Section 32(2) of the Localism Act 2011*.

iv) **Non participation in case of disclosable pecuniary interest**

a) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

v) **Dispensations**

The Council may grant the Councillor a dispensation, but only in limited circumstances, to enable the Councillor to participate and vote on a matter in which they have a Disclosable Pecuniary Interest.

From time to time, it will be necessary for the Council to grant itself a dispensation but only in limited circumstances, to enable the Council to participate and vote on a matter in which it has a disclosable pecuniary interest.

vi **Offences**

It is a criminal offence to fail to notify the monitoring officer of any disclosable pecuniary interests (DPIs). This requirement arises in each of the following circumstances:

- (a) before the end of 28 days beginning with the day on which you become a councillor or co-opted councillor of the authority (s30(1) Localism Act 2011));
- (b) where the DPI is not entered in the authority's register and is not the subject of a pending notification, but is disclosed at a meeting of the authority (or any committee, sub-committee, joint committee or joint sub-committee) as required by s31(2) of the Localism Act, within 28 days beginning with the date of the disclosure (s31(3) Localism Act 2011));
- (c) where the DPI is not entered in the authority's register and is not the subject of a pending notification, within 28 days beginning with the date when you become aware that you have a DPI in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority (s31(7) Localism Act 2011)).

It is also a criminal offence to knowingly provide information that is false or misleading (or being reckless as to whether the information is true and not misleading)

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

7(a) Dispensations

1 Applicability

The following arrangements for seeking dispensations from prohibitions on participation apply from 1 July 2012. The statutory basis for the rules is to be found in the Localism Act 2011 sections 33 and 31(1) and (4).

The Council may on a written request made to the proper officer by a councillor or co-opted councillor of the authority grant a dispensation relieving the councillor or co-opted councillor from either or both of the restrictions in section 31(4) of the Localism Act in cases described in the dispensation.

2 New rules

The old rules for seeking dispensation under the Local Government Act 2000 are now replaced. In future, dispensations may only be granted by the authority Loxwood Parish Council acting on a written request from a member of Loxwood Parish Council.

3 Legal Criteria

- 3.1 If a councillor or co-opted councillor of the authority (a) is present at a meeting of the authority, or of any committee, sub-committee, joint committee of the authority (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting, and (c) is aware that the condition in paragraph (b) is met the member or co-opted member may not participate in the matter.
- 3.2 These rules apply only to either or both of the prohibitions from participation set out in the Localism Act 2011 section 31(4) concerning the matter in which a councillor or co-opted councillor has a disclosable pecuniary interest.

Section 31(4) provides:

- “(4) The councillor or co-opted councillor may not -
- (a) Participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) Participate in any vote, or further vote, taken on the matter at the meeting but this is subject to section 33 Localism Act 2011.

- 3.3 A dispensation can only be granted if after having had regard to all relevant circumstances the authority:

3.3.1 considers that without the dispensation the number of persons prohibited by section 31(4) from participation in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or

3.3.3 Considers that granting the dispensation is in the interests of persons living in the authority’s area, or

3.3.4 Considers that it is otherwise appropriate to grant a dispensation.

4 Maximum period

A dispensation will specify the period for which it has effect and the period specified may not last for more than 4 years from the date of the giving of the dispensation.

5 How to apply for a dispensation

If a councillor wishes to seek dispensation to enable him or her to participate in the consideration of a matter from which he or she would be excluded by the provisions of section 31(4) of the Localism Act 2011, he or she should write to or email the Clerk a request for a dispensation explaining why it is desirable for a dispensation to be granted. At least fourteen days' notice must be given before the dispensation is required to enable (the convening of a meeting of the authority, together with all necessary consultations to be undertaken).

6 Records

The Council will record the existence, duration and nature of any dispensation and the record is to be kept with the register of members' interests and a copy provided to the authority's monitoring officer.

7 The authority's consideration of an application for dispensation

The following is a summary of what will be regarded as good practice in considering an application for a dispensation:

- 7.1 Dispensations should be granted only in exceptional circumstances.
- 7.2 Dispensations cannot be granted other than in the circumstances set out in the Localism Act 2011 Section 33(2) set out in paragraph 4.3 above.
- 7.3 A dispensation cannot authorise a councillor to act unlawfully.
- 7.4 Any dispensation that has already been granted will be ignored when applying the legal criteria in paragraph 4.
- 7.5 The interest of the councillor seeking the dispensation will be balanced against the potential effect of the outcome of the vote if the councillor is unable to participate.
- 7.6 A dispensation may be granted to enable a councillor to speak only or to speak and vote.
- 7.7 A dispensation should not be granted where the dispensation would conflict with the general principles which underlie the Code of Members' Conduct:
 - 7.8.1 Selflessness— councillors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - 7.8.2 Integrity— councillors should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- 7.8.3 Objectivity— councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 7.8.4 Accountability— councillors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- 7.8.5 Openness— councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- 7.8.6 Honesty – Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.
- 7.8.7 Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.
- 7.9 A dispensation will not be granted where the nature of the member’s interest would damage public confidence in the conduct of the authority’s business were the dispensation to be granted.
- 7.10 If a dispensation is granted it should usually be for one specific item of business at one meeting of the authority.
- 7.11 Consideration must take account of any legal requirement or statutory guidance issued by the Department for Communities and Local Government.
8. Section 31(4) of the Localism Act 2011 does not apply in relation to anything done for the purposes of deciding whether to grant a dispensation under this section.

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided *eight* clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions (public participation).
- c Every question shall be put and answered without discussion.

9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- a Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it

and/or he may adjourn the meeting.

11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least *five* councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12 Voting on appointments

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

13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **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, sub-committee or to an employee.**

14 Execution and sealing of legal deeds

See also standing order 5 above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

- b In accordance with a resolution made under standing order 14(a) above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

(The above is applicable to a Council without a common seal.)

15 Committees

See also standing order 1 above

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee at any time.

16 Sub-committees

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17 Extraordinary meetings

See also standing order 1 above

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within *five* days of having been requested by to do so by *two* councillors, those *two* councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by *those two* councillors.

18 Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b The Council will set the terms of reference and remit of such bodies.
- c Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20 Estimates/precepts

- a **The Council shall approve written estimates/budgets for the coming financial year** at its meeting before the end of December.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate/budget of the income/expenditure recommended for the coming year no later than September.

21 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 Inspection of documents

- a 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 or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25 General Power of Competence

Before exercising the General Power of Competence a Council must ensure:-

1. The council has resolved at a meeting of the council and each subsequent relevant annual meeting that it meets the conditions in paragraph 2 below.
- 2.(1) At the time a resolution under paragraph 1 is passed —
 - (a) the number of members of the council that have been declared to be elected(3), whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the council;
 - (b) the clerk to the parish council holds—
 - (i) the Certificate in Local Council Administration;
 - (iii) the Certificate of Higher Education in Local Council Administration; or
 - (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
 - (c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).
- (3) For the purposes of this paragraph “relevant training” means training—
 - (a) in the exercise of the general power;

- (b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

26 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of Council or, in his absence, the Vice-Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c The Chairman of the Council or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk/Responsible Financial Officer and they shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Council or in his absence, the Vice-Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the Clerk] relates to the Chairman or Vice-Chairman of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.

- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to (post holder) and/or the Chairman of the Council.

27 Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulation 2004

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council or appropriate committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b) above.

28 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media through the Council Clerk.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

29 Liaison with District and County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Council representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County Councillor representing its electoral ward.

30 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following: (See Appendix C - Financial Regulations)
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. receive a report annually from the Council's Internal Controller;
 - v. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - vi. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £173,934 in relation to service or supply (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider the Public Contracts Regulations 2006 (SI No.5, as amended) and, if these Regulations apply, the Council must comply with EU procurement rules relating to £4,348,350 in relation to works.**

31 Allegations of breaches of the code of conduct

- a On receipt of a notification from the Monitoring Officer that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d Where a notification relates to a complaint made by a resident (local tax payer) the Proper Officer shall inform the Council that a complaint has been received and dependent on the complaint shall seek further guidance from the Sussex Association of Local Councils and subsequently respond. If mediation is required in respect of any such matter whether external or internal to the Council, then the Council will approach the Sussex Association of Local Councils.
- e The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council/ committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- f Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Council/committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- g The Council shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of

conduct by a councillor.

32 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

33 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

34. Appendix A

1. Public Speaking at Meetings of the Council

1.1 General

Members of the public may ask questions of the Chairman of the Council and any chairman of an ordinary committee at ordinary meetings of the Council and may make representations on any specific item on the agenda.

1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

1.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Clerk no later than 12.00 on the last but one working day before the day of the meeting. Each question must give the name and address of the questioner.

1.3 Number of and time limits on questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation. Unless the Chairman otherwise specifies, each speaker will be limited to three minutes in which to ask the question or questions. Subject to the Chairman's discretion there will be an overall limit of 15 minutes devoted to public questions.

1.4 Scope of questions

The Clerk may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the Parish;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

1.5 Record of questions

The Clerk will record each question and make the same available for public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

1.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, he or she may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

1.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in paragraph 1.5 above.

1.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

1.10 Reference of question to the Executive or a committee

Unless the Chairman specifies otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the appropriate committee. Once seconded, such a motion will be voted on without discussion.

1.11 Public speaking on specific items

- (a) Members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to three minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by Councillors of the public shall not exceed 15 minutes in respect of each item.
- (b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.
- (c) Where the item concerns a planning or licensing application the rule in paragraph 1.11(a) is modified to allow objectors three minutes each subject to an overall limit of six minutes, applicants and supporters three minutes each subject to an overall limit of six minutes.

2. Public Speaking at Meetings of the Council's Committees and Sub-Committees

2.1 General

Members of the public may make representations on any specific item on the agenda.

2.2 Public speaking on specific items

- (a) Members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to two minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public shall not exceed 12 minutes in respect of each item.
- (b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.
- (c) Where the item concerns a planning or licensing application the rule in paragraph 2.2(a) is modified :to allow objectors three minutes each subject to an overall limit of six minutes, applicants and supporters three minutes each subject to an overall limit of six minutes.
- (d) Legal Advice Note 9 March 2010 (New standing orders - access to information)

35. Appendix B

Access to Information Rules

1. Scope

- 1.1 These rules apply to all meetings of the Council and Committees and sub-committees (if any) (together called meetings).

2. Additional Rights to Information

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in these Standing Orders or the law.

3. Rights to Attend Meetings

- 3.1 The Public Bodies (Admission to Meetings) Act 1960 s 1 provides as follows:-

- (1) Subject to subsection (2) below, any meeting of a body exercising public functions, being a body to which this Act applies, shall be open to the public.
- (2) A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.
- (3) A body may under subsection (2) above treat the need to receive or consider recommendations or advice from sources other than Councillors, committees or sub-committees of the body as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purport of the recommendations or advice; but the making by this subsection of express provision for that case shall not be taken to restrict the generality of subsection (2) above in relation to other cases (including in particular cases where the report of a committee or subcommittee of the body is of a confidential nature).
- (4) Where a meeting of a body is required by this Act to be open to the public during proceedings or any part of them, the following provisions shall apply, that is to say:-
 - (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the body (or, if the body has no offices, then in some central and conspicuous place in the area with which it is concerned) Legal Advice Note 9 March 2010 (New standing orders - access to information) three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
 - (b) there shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper a copy of the agenda for the meeting as supplied to Councillors of the body (but excluding, if thought fit, any item during which the meeting is likely not to be open to the public), together with such further statements or particulars, if any, as are necessary to indicate the nature of the items included or, if thought fit in the case of any item, with copies of any reports or other documents supplied to Councillors of the body in connection with the item;
 - (c) While the meeting is open to the public, the body shall not have power to exclude Councillors or the public from the meeting and duly accredited representatives of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the body or not on the telephone, for telephoning the report at their own expense.
- (5) Where a meeting of a body is required by this Act to be open to the public during the proceedings or any part of them, and there is supplied to a Councillor of the public attending the meeting, or in pursuance of paragraph (b) of subsection (4) above there is supplied for the benefit of a newspaper, any such copy of the agenda as is mentioned in that paragraph, with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda, the publication thereby of any defamatory matter contained in the agenda or in the further statements or particulars shall be privileged, unless the publication is proved to be made with malice.

- (6) When a body to which this Act applies resolves itself into committee, the proceedings in committee shall for the purposes of this Act be treated as forming part of the proceedings of the body at the meeting.
 - (7) Any reference in this section to a newspaper shall apply also to a news agency which systematically carries on the business of selling and supplying reports or information to newspapers, and to any organisation which is systematically engaged in collecting news for sound or television broadcasts [or for programme services (within the meaning of the Broadcasting Act 1990) other than sound or television broadcasting services]; but nothing in this section shall require a body to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place. (Legal Advice Note 9 March 2010 (New standing orders - access to information))
 - (8) The provisions of this section shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 3.2 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.3 The Clerk and the Responsible Financial Officer and his/her or their nominees are entitled to attend any meeting of the Council and its committees and any sub-committees.
4. Notices of Meetings
- 4.1 The Council will give at least three clear days' notice of any meeting by posting details of the meeting at offices of the Council.
5. Access to the Agenda and Reports Prior to a Meeting
- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.
6. Supply of Copies
- 6.1 The Council will supply copies of:
- (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the Clerk thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.
7. Access to Minutes etc., following a Meeting
- 7.1 The Council will make available copies of the following for six years after a meeting: Legal Advice Note 9 March 2010 (New standing orders - access to information)

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Council, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

The Clerk will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Exclusion of Access to the Public at Meetings

9.1 S 1(2) of the 1960 Act. For the purpose of defining “the confidential nature of the business to be transacted or for other special reasons” these guidelines will be followed.

9.2 Confidential information – requirement to exclude public. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.3 Exempt information – discretion to exclude public. Legal Advice Note 9 March 2010 (New standing orders - access to information) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect his or her possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.4 Meaning of confidential information

“Confidential information” means:-

- (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court; and, in either case, the reference to the obligation of confidence is to be construed accordingly.

9.4 Meaning of exempt information

“Exempt information” means information falling within the following:-

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment. Legal Advice Note 9 March 2010 (New standing orders - access to information)
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information which is subject to any obligation of confidentiality.
9. Information which relates in any way to matters concerning national security.
10. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act
11. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:-
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
12. Information which falls within any of paragraphs 1 to 7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. Exclusion of Access by the Public to Reports

10.1 If the Clerk thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

36. Appendix C

Financial Regulations

- ❖ **Local Government Act 1894**
- ❖ **Local Government Act 1972 s.151**
- ❖ **Local Government Act 2003 (Chapter 26)**
- ❖ **Local Authorities (Goods and Services) 1970**
- ❖ **Local Government Finance Acts 1982, 1988, 1992,**
- ❖ **The Accounts and Audit Regulations 2003**
- ❖ **Governance and Accountability in Local Councils in England & Wales “A Practitioners’ Guide” – 2010**

Appendix D

Disclosable Pecuniary Interests (DPI)

Interest	Description
A. Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
B. Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
C. Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
D1. Land	Any beneficial interest in land which is within the area of the relevant authority.
D2. Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
D3. Corporate tenancies	Any tenancy where (to M’s knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a

	beneficial interest.
E. Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

The descriptions of Disclosable Pecuniary Interests are subject to the following definitions:

“the Act” means the Localism Act 2011

“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 an industrial and provident society

“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

“M” means a member (councillor) of the relevant authority

“member” includes a co-opted member (councillor)

“relevant authority” means the authority of which M is a member

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (the Member's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

“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 E

Dispensations

1 Applicability

The following arrangements for seeking dispensations from prohibitions on participation apply from 1 July 2012. The statutory basis for the rules is to be found in the Localism Act 2011 sections 33 and 31(1) and (4).

The authority may on a written request made to the proper officer by a member or co-opted member of the authority grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) of the Localism Act in cases described in the dispensation.

2 Existing dispensations

All dispensations granted before (25th July, 2012) have ceased to apply.

3 New rules

The old rules for seeking dispensation under the Local Government Act 2000 are now replaced. In future, dispensations may only be granted by the authority (Loxwood Parish Council) acting on a written request from a member.

4 Legal Criteria

4.1 If a member or co-opted member of the authority (a) is present at a meeting of the authority, or of any committee, sub-committee, joint committee of the authority (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting, and (c) is aware that the condition in paragraph (b) is met the member or co-opted member may not participate in the matter.

4.2 These rules apply only to either or both of the prohibitions from participation set out in the Localism Act 2011 section 31(4) concerning the matter in which a member or co-opted member has a disclosable pecuniary interest.

Section 31(4) provides:

The member or co-opted member may not -

- (a) participate, or participate further, in any discussion of the matter at the meeting, or
- (b) participate in any vote, or further vote, taken on the matter at the meeting but this is subject to Section 33 Localism Act 2011.

4.3 A dispensation can only be granted if after having had regard to all relevant circumstances the authority:

4.3.1 considers that without the dispensation the number of persons prohibited by section 31(4) from participation in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or

4.3.2 considers that without the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or]

4.3.3 considers that granting the dispensation is in the interests of persons living in the authority's area, or

4.3.4 considers that it is otherwise appropriate to grant a dispensation.

5 Maximum period

A dispensation will specify the period for which it has effect and the period specified may not last for more than 4 years from the date of the giving of the dispensation.

6 How to apply for a dispensation

If a member wishes to seek dispensation to enable him or her to participate in the consideration of a matter from which he or she would be excluded by the provisions of section 31(4) of the Localism Act 2011, he or she should write to or email the Clerk a request for a dispensation explaining why it is desirable for a dispensation to be granted. At least fourteen days' notice must be given before the dispensation is required to enable [the convening of a meeting of the authority], together with all necessary consultations to be undertaken.

7 Records

The authority will record the existence, duration and nature of any dispensation and the record is to be kept with the register of members' interests and a copy provided to the authority's monitoring officer.

8 The authority's consideration of an application for dispensation

The following is a summary of what might be regarded as good practice in considering an application for a dispensation:

- 8.1 Dispensations should be granted only in exceptional circumstances.
- 8.2 Dispensations cannot be granted other than in the circumstances set out in the Localism Act 2011 Section 33(2) set out in paragraph 4.3 above.
- 8.3 A dispensation cannot authorise a member to act unlawfully.
- 8.5 Any dispensation that has already been granted will be ignored when applying the legal criteria in paragraph 4.
- 8.6 The interest of the member seeking the dispensation will be balanced against the potential effect of the outcome of the vote if the member is unable to participate.
- 8.7 A dispensation may be granted to enable a member to speak only or to speak and vote.
- 8.8 A dispensation should not be granted where the dispensation would conflict with the general principles which underlie the Code of Members' Conduct:
 - 8.8.1 Selflessness—members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - 8.8.2 Integrity—members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
 - 8.8.3 Objectivity—members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - 8.8.4 Accountability—members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
 - 8.8.5 Openness—members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

- 8.8.6 Honesty – Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.
- 8.8.7 Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.
- 8.9 A dispensation should not be granted where the nature of the member’s interest would damage public confidence in the conduct of the authority’s business were the dispensation to be granted.
- 8.10 If a dispensation is granted it should usually be for one specific item of business at one meeting of the authority.
- 8.11 Consideration must take account of any legal requirement or statutory guidance issued by the Department for Communities and Local Government.
- 8.12 Section 31(4) of the Localism Act 2011 does not apply in relation to anything done for the purposes of deciding whether to grant a dispensation under this section.

9 Help

Further assistance can be obtained from the Clerk to the Council, Loxwood Parish Council, e-mail: loxwoodparishcouncilclerk@gmail.com.