

HANDFORTH PARISH COUNCIL STANDING ORDERS

These Standing Orders were adopted by the Council at its meeting on the 19th June 2019. Item 19/18/8

1 Meetings

Standing orders in bold type are mandatory at full council 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 **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- C **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 the meeting shall be by resolution which shall give reasons for the public's exclusion.**
- D Subject to standing order 1(C) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- E The period of time which is designated for public participation in accordance with standing order 1(D) above will be at the Chairman's discretion.
- F Subject to standing order 1(E) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- G In accordance with standing order (D) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- H In accordance with standing order 1(G) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- I A record of the public participation session at a meeting shall be included in the minutes of that meeting.

- J A person shall raise his hand when requesting to speak and stand when speaking. The Chairman may at any time permit an individual to be seated when speaking.
- M **Photographing, recording, broadcasting or transmitting the proceedings of a public meeting is permitted providing it is carried out in a way that is non-disruptive.**
- N In accordance with standing order 1(C) 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.
- O **Subject to standing orders which indicate otherwise, any thing 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.**
- P **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.**
- Q **Subject to standing order 1 (Y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- R **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 (I) and (J) below.)**
- S **Unless standing orders provide otherwise voting on any question shall be by a show of hands. If any member so requires, the manner in which each member voted on any particular item must be recorded in the minutes. Such a request shall be made before moving on to the next item of business on the agenda.**
- T **The minutes of a meeting shall record the names of councillors present and absent.**
- U If prior to a meeting, a Councillor has submitted reasons for their 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.
- V **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- W **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 7 & 8 below.) (Councillors to refer to**

Standing Order 7B: Code of Conduct where Registering and declaring pecuniary and non-pecuniary interests.)

- X **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.**

- Y **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.

- Z Meetings shall not exceed a period of two hours unless the Council or committee resolves to complete the agenda.

2 Ordinary Council meetings

- 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 the Council shall be held on such a 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 6pm.**
- 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 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 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 In an election year, if the current Chairman of the Council has been re-elected as member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- J 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:**
 - 1 In an election year, delivery by councillors of their declarations of acceptance of office.**

- 2 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.
- 3 Review of delegation arrangements to committees, sub committees employees and other local authorities.
- 4 Review the terms of reference of committees.
- 5 Receipt of nominations to existing committees.
- 6 Appointment of any new committees, confirmation of the terms of reference, the number of members (including if appropriate , substitute councillors) and the receipt of nominations to them.
- 7 Review and adoption of appropriate standing orders and financial regulations.
- 8 Review of arrangements including any charters with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- 9 Review of representation on or work with external bodies and arrangements for reporting back.
- 10 In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- 11 Review of the inventory of land and assets including buildings and office equipment.
- 12 Review of the Council's and or/or employees' membership of other bodies.
- 13 Establishing or reviewing the Council's complaints procedure.

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 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.
- 1 **Sign and serve by delivery or post at councillor's residences a summons confirming the time, date and venue and the agenda of a meeting of the Council and a meeting of a committee at least three clear days before the meeting.**
 - 2 **Give public notice of the time, date venue and agenda at least three clear days before the meeting of the Council or a meeting of committee (provided that**

the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

- 3 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 five days before the meeting confirming his withdrawal of it.
- 4 **Convene a meeting of the 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)1] above.**
- 5 Make available for inspection the minutes of meetings.
- 6 **Receive and retain copies of byelaws made by other local authorities.**
- 7 **Receive and retain declarations of acceptance of office from councillors.**
- 8 Retain a copy of every councillor's register of interests and any changes to it and keep a copy available for inspection.
- 9 Keep proper records before and after meetings.
- 10 Process all requests under the Freedom of Information Act 2008, the Data Protection Act 1998 and subsequent legislation, in accordance with and subject to the Council's procedures relating to the same.
- 11 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 12 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- 13 Arrange for legal deeds to be signed by two councillors and witnessed. *(see also standing order 14(A) & (B))*
- 14 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.
- 15 Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such a purpose.

- 16 Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council and the Chair of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- 17 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)(3) 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 ten days before the next meeting.
- B The Proper Officer may, before including a motion in the agenda receive in accordance with standing order 4(A) above, correct obvious grammatical or typographical errors in the wording of a 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 five clear days before the meeting.
- D If the wording or nature of a proposed motion is considered unlawful or in the opinion of the proper officer 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 from 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 and in the order received and shall be recorded manually and electronically and shall be open to inspection by all councillors.
- G Every motion rejected in accordance with the Council's standing orders shall be recorded manually and electronically with a note by the Proper Officer giving reasons for its rejection, which shall be open for 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.

- 1 To appoint person to preside at a meeting.
- 2 To approve the absences of councillors.
- 3 To approve the accuracy of the minutes of a previous meeting.
- 4 To approve an inaccuracy in the minutes of the previous meeting.
- 5 To dispose of business, if any, remaining from a previous meeting.
- 6 To alter the order of business on the agenda for reasons of urgency or expedience.
- 7 To proceed to the next business on the agenda.
- 8 To close or adjourn debate.
- 9 To refer by formal delegation a matter to a committee or employee.
- 10 To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- 11 To receive nominations to a committee or sub-committee.
- 12 To dissolve a committee or sub-committee.
- 13 To note the minutes of a meeting of a committee or sub-committee.
- 14 To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- 15 To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- 16 To authorise legal deeds signed by two councillors and witnessed. (*see also standing order 14 below*).
- 17 To authorise payments of monies up to £500 (this figure to be reviewed annually).

- 18 To amend a motion relevant to the original or substantive motion under consideration providing that this shall not have the effect of nullifying it.
- 19 To extend the limit for speeches.
- 20 To exclude the press and public for all or part of the meeting.
- 21 To silence or exclude from the meeting a councillor or a member of the public for disorderly conduct.
- 22 To give the consent of the Council if such consent is required by standing orders.
- 23 **To suspend any standing order except those which are mandatory by law.**
- 24 To adjourn the meeting.
- 25 To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- 26 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 expediency.

6 Rules of debate

- A Motions included in the agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion 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)(3) above, a motion included in an agenda and 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 amendments 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 their 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:
- 1 to leave words out
 - 2 to add words
 - 3 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 the debate and immediately before it is put to the vote.
- O Subject to standing order 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 they consider has been breached or specify the irregularity in the meeting they are 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, 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:
- 1 To amend the motion.
 - 2 To proceed to the next business.
 - 3 To adjourn the debate.

- 4 To put the motion to a vote.
- 5 To ask a person to be silent or for him/her to leave the meeting.
- 6 To refer a motion to a committee or sub-committee.
- 7 To exclude the public and press.
- 8 To adjourn the meeting.
- 9 To suspend any standing order, except those which are mandatory.

T In respect of standing order 6(S)(4) 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. Member Code of Conduct – Code of Conduct for Members 2018

- 1 Handforth Parish Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the council and its Members and co-opted Members (referred to collectively in this Code as “Members”).
- 2 The Code has been adopted under the Localism Act 2011 and is based on the following core principles of public life:
 - 2.1 Selflessness
 - 2.2 Integrity
 - 2.3 Objectivity
 - 2.4 Accountability
 - 2.5 Openness
 - 2.6 Honesty
 - 2.7 Leadership
- 3 The Code sets out general obligations about the standards of conduct expected of Members of the authority, together with provisions about registering and declaring interests.

General obligations

- 4 Whenever you are acting as a Member of this council you must act in accordance with the following obligations:

Selflessness

- 4.1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity

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

Objectivity

- 4.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 4.4 You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.
- 4.5 You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Accountability

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

Openness

- 4.7 You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions.

Honesty

- 4.8 You must declare any personal, pecuniary and non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Part 2 below.
- 4.9 You must only use or authorise the use of the council's resources in accordance with the council's requirements. You must, when using or authorising the use of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity in force from time to time.

Leadership

- 4.10 You must promote and support high standards of conduct when serving as a Member of the council, by leadership and example, championing the interests of the community.
- 4.11 You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

Respect for Others

- 4.12 You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- 4.13 You must not:
- (i) do anything which may cause your council to breach any equality laws
 - (ii) compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the council
 - (iii) bully¹³ any person, including other Members, officers of the council or members of the public
 - (iv) Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her council's code of conduct.

Information

- 4.14 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except¹⁴ where:
- (i) you have the written consent of a person authorised to give it
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a professional third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or

¹³ "Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum and in an appropriate way. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

¹⁴ It is your responsibility to ensure that any judgement you make in relying on any exception will stand up to rigorous objective scrutiny. In the case of any doubt advice should be sought from the clerk or an independent qualified legal advisor.

- (iv) the disclosure is reasonable, in the public interest; and made in good faith and in compliance with the reasonable requirements of the council.

4.15 You must not prevent another person from gaining access to information to which that person is entitled by law.

Gifts and Hospitality

4.16 You must within 28 days of receipt, notify the clerk in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the council. The clerk will place your notification on a public register of gifts and hospitality.

Registering and Declaring Interests

Registering and Declaring Interests – General Requirements

5 You must, within 28 days of:

- 5.1 the adoption of this Code
- 5.2 taking office as a Member
- 5.3 becoming aware of any new interest not already registered
- 5.4 becoming aware of any change to any interest already registered

notify the clerk in writing of any disclosable pecuniary interest, or other type of interest as defined by this Code.

6 If you become aware of any such interest not already registered (or the subject of pending notification) during the course of any meeting of the council at which you are in attendance then you must disclose the interest to the meeting, take the action required by the Code depending on the nature of the interest and notify the clerk of the interest in accordance with the provisions of this Code.

Sensitive Interests

7 A 'sensitive interest' is described in the Localism Act 2011 is an interest the nature of which is such that the Member and the council's clerk consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation.

8 Where you consider that you have a sensitive interest, and the clerk agrees, that part of the register recording that interest will not be published or made available for public inspection. A declaration of interests must still be made at a meeting where relevant, but the sensitive information need not be disclosed.

Disclosable Pecuniary Interests

- 9 A [disclosable pecuniary interest is defined by statute](#) and is subject to change from time to time.
- 10 Unless dispensation has been granted, if you are present at any meeting of the council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, you must leave the meeting while any discussion or voting on that matter takes place. You may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting.
- 11 You must not discharge or participate in the discharge of any function related to any matter in which you have a disclosable pecuniary interest.
- 12 Failure to comply with these requirements of the Code may amount to a criminal offence.

Other Interests – Personal Interests

- 13 In addition to disclosable pecuniary interests referred to above, you must also declare personal interests.
- 14 You have a personal interest in any business of the council where the business of the council relates to or is likely to affect any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your council.
- 15 You will also have a personal interest in any business of the council where the business of the council relates to or is likely to affect any body exercising functions of a public nature, which is directed to charitable purposes or whose principle purposes includes influencing public opinion or policy where you are a member of that body or in a position of general control or management.
- 16 The Audit and Governance Committee of Cheshire East Council may, from time to time, prescribe certain bodies the membership of which amounts to a personal interest.
- 17 You will also have a personal interest in any business of the council where a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 18 For the purposes of this Code, a relevant person is:
 - 18.1 a member of your family or any person with whom you have a close association, or
 - 18.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are

directors, or any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of

£25,000 or one hundredth of the total issued share capital of that body.

- 19 Unless your personal interest also amounts to a prejudicial interest, a disclosable pecuniary interest or pre-determination, you may remain in the meeting and take part in the debate and vote.

Other Interests – Prejudicial Interests

- 20 You will have a prejudicial interest if you have a personal interest in any business of the authority and where that personal interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

20.1 affects your financial position or the financial position of a relevant person or body described in paragraph 14 or 15 above, or

20.2 relates to the determination of any approval, consent, licence, permission or registration in relation to you or any relevant person or body described in paragraph 14 or 15 above.

- 21 Where you have a prejudicial interest, you may not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting. You are also required to leave the room where the meeting is taking place during the discussion and vote. However you may attend the meeting and make representations, answer questions or give evidence provided that the public are also allowed to attend the meeting for the same purpose and you leave the meeting immediately after having done so.

Pre-Determination and Bias

- 22 Separately from considerations as to personal, prejudicial or disclosable pecuniary interests, Members must be mindful of falling foul of the general obligations of this code by taking part in decisions where they are biased or have pre-determined the matter in question.
- 23 Simply put, a Member will be biased or will have pre-determined a matter if he/she approach a matter with a closed mind. That is to say if he/she has made up their mind which way they will decide a matter before all of the relevant considerations are presented and debated in the appropriate decision making forum.
- 24 Previous actions or statements of a Member will not be taken by themselves as proof of predetermination. A Member may be predisposed to a certain point of view, however notwithstanding any predisposition, Members need to be careful to ensure they approach and, insofar as is possible, are seen to approach decisions with an open mind.

- 25 Particular scenarios to be mindful of are where a Member, in some other role, is seen to be a promoter or advocate for a proposal which later comes before them for decision. A risk arises when there has been significant personal involvement in preparing or advocating the proposal such that a Member may become or may be perceived by the public as being no longer able to approach the decision with an open mind.
- 26 If you feel that you have pre-determined a matter you should say so. You should not speak or vote on the proposal. You may, however, make representations on the proposal if a member of the public also has the right to do so. You are not legally obliged to withdraw from the meeting for the remainder of the debate and vote but in most circumstances doing so will counter any suggestion that you influenced the remaining Members by your continued presence. If you do not withdraw, as a minimum you must withdraw to the public area of the meeting room for the whole of the consideration of the matter, whether or not you are also exercising your right to speak.
- 27 If in any doubt you should seek advice from the clerk.

Further Information

- 28 The clerk, in consultation with the Chairman of the Audit and Governance Committee, will publicise from time to time arrangements for [dealing with complaints made against Members](#) that their conduct has breached the requirements of this code. The clerk will publicise from time to time a clerk Protocol reflecting current trends in Member Conduct matters in order to provide guidance on how emerging or common issues will be approached.

Dispensations

- 29 The Audit and Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial or disclosable pecuniary interest.
- 30 A [list of matters to which a dispensation has been granted to all Members](#) is available.

Extract from the Relevant councils (Disclosable Pecuniary Interests) Regulations 2012

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Member
- The regulations apply if the disclosable pecuniary interest is yours, your spouse’s or civil partner’s or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners

<i>Subject</i>	<i>Prescribed description</i>
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 relevant council) 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(1).
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 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.

[List of suggested dispensations](#) (Note: this differs from the current list granted by Council and differences have been highlighted.)

Corporate tenancies

Any tenancy where (to M's knowledge)—

- (a) the landlord is the relevant council; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

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 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

8 Questions

- A Notwithstanding questions posed at a meeting a councillor or member of the public may seek an answer to a question concerning any business of the Council provided five 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.
- 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 received.

- B 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 () 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.”

- C Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes shall be destroyed.
- D The minutes will solely be a record of decisions taken by the council.

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 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 be necessary to enforce it and/or they may adjourn the meeting.

11 Rescission of previous resolutions

- A A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice thereof bears the names of at least three councillors of the Council, or by a motion moved in pursuance of the report or recommendations 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 for a further six 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 with 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 standing orders and 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(A)(16) above

- A A legal deed shall not be executed on behalf of the Council unless the same has been authorised by resolution.
- 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)(4) above.
- C Minutes, including any amendments 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 **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.**

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:
 - 1 shall determine their terms of reference:
 - 2 may permit committees to determine the dates of their meetings:
 - 3 shall appoint and determine the term of office of councillor or non-councillor member of such a committee (unless the appointment is prohibited by law) so as to hold office no later than the next annual meeting;
 - 4 may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the

committee have confirmed with the Proper Officer five days before the meeting that they are unable to attend;

5 an ordinary member of a committee who has been replaced at a meeting by a substitute (in accordance with standing order 15 (A)(4) above, shall not vote on business at that meeting. The substitute councillor may vote when replacing an ordinary councillor.

6 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 a 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 seven 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.** (The two convening members need not be the same as the requisitioning members)

- C The Chairman of a committee (or sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

- D If the Chairman of a committee (or sub-committee) does not or refuses to call an extraordinary meeting within seven days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of a committee (or sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors. (The two convening members need not be the same as the requisitioning members)

18 Working groups

- A The Council may appoint working groups comprised of a number of councillors and non-councillors.
- B Working groups may consist wholly of persons who are non-councillors.
- C The recommendations of any working group are not binding on the Council.

19 Accounts and financial statements

- 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 3 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of the quarter. The 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 the 31 March shall be presented to each councillor before the end 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 at the earliest possible date after external audit.

20 Estimates and precepts

- A **The Council shall approve written estimates for the coming financial year at its meeting in November.**

- B Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than October.

21 Canvassing of and recommendations by councillors

- A Canvassing councillors or the member 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 that are confidential, a councillor may, for the purposes 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 the 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 sub-committee:
- 1 Inspect any land and/or premises which the Council has a right or duty to inspect; or
 - 2 issue orders, instructions, directions or enter in to agreements with third parties.

- B No member of the public may represent or act on behalf of Handforth Parish Council without the express permission of the full council.

24 Confidential Business

To be read in conjunction with the Code of Conduct.

- 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) may be removed from a committee or sub-committee, by resolution of the Council.

25 General Power of Competence.

Handforth Parish Council has satisfied the requirements to adopt the General Power of Competence, see minute 15/15/8.

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 has decided whether or not the press and public shall be excluded pursuant to standing order 1(C) above.
- B The Chairman of the Employment Committee shall upon a resolution conduct a review of the performance and or appraisal of the Clerk and RFO and 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 Employment Committee.
- C Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the Employment Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution by the Employment committee.
- D Subject to the Council's policy regarding handling grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman of the Employment Committee, this shall be communicated to another member of the Employment Committee, which shall be reported back and progressed by resolution of the Employment Committee .

- E Any person 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.
- F The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and key and all electronic records shall be password protected.
- G 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.
- H Only persons with line management responsibilities shall have access to employee records referred to in standing order 26(G) and (H) above if so justified.
- I Access and means of access by keys and/or computer passwords to records of employment referred to in standing order 26(G) and (H) above shall be provided only to the Clerk and the Chairman of the Employment Committee.

27 Freedom of Information Act 2008 and subsequent legislation.

- 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 (Model Publication Scheme 2008).
- B Correspondence from, and notices served by the Information Commissioner shall be referred by the Proper Officer to the Chairman. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2008 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(B) (10) 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
- B In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not in their official capacity, provide oral or written statements or written articles or other media.

29 Liaison with Unitary Councillors

- A An invitation to attend a meeting of the Council shall be sent, together with the agenda to Cheshire East Councillors representing its electoral ward.
- B Unless the Council otherwise orders, a copy of each letter sent to Cheshire East Council shall be sent to the Cheshire East Councillors representing Handforth.

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:
 - 1 Accounting records and systems of internal control.
 - 2 The assessment and management of financial risk faced by the Council.
 - 3 The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be at least annually.
 - 4 The inspection and copying by councillors and local electors of the Council's accounts and or orders of payments.
 - 5 Procurement policies including the setting up of values for different procedures where the contract has an estimated value of less than £ 20,000.
 - 6 Procurement policies including the setting up of values for different procedures where the contract has an estimated value greater than £20,000.
 - 7 **Where the value of the contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contract Regulations 2006 (SI No5, as amended) and the Utilities Contracts Regulations 2006 (SI**

No6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

31 Allegations of breaches of the code of conduct

Allegations of breaches of the code of conduct must be referred to the Cheshire East Council Monitoring Officer or the police as appropriate.

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 add to or vary or revoke a standing order or more than one of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least two councillors.

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 their declaration of acceptance of office.
- B The chairman's decision as to the application of standing orders at meetings shall be final. Providing Standing Order 33B does not conflict with Standing Order 5(A) (23).
- C A councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting in accordance with standing orders.