

SWALCLIFFE PARISH COUNCIL



STANDING ORDERS

Revisions

Version

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2.0

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1 **Composition and Duties of Parish Council**

- 1.1 The Parish Council (hereafter 'the Council') will comprise a minimum of 3 and maximum of 7 officers.
- 1.2 A person is qualified to be elected and to be a councillor if s/he is a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union and if, on the day on which s/he is nominated, and if there is a poll, the day of the election, s/he is 18 years of age or older and:
 - 1.2.1 On that day s/he is and thereafter continues to be a local government elector for the Parish of Swalcliffe (hereafter 'the Parish'); or
 - 1.2.2 S/he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in the Parish; or
 - 1.2.3 Her/his principal or only place of work during the twelve months has been in the Parish; or
 - 1.2.4 S/he has during the whole of those twelve months resided in the Parish or within three miles of it.
- 1.3 A person is disqualified from being elected or being a councillor if s/he:
 - 1.3.1 Holds any paid office or employment to which s/he has been appointed by the Council; or
 - 1.3.2 Is subject to a bankruptcy restrictions order or interim order, a debt relief order or an interim debt relief order under schedule 4ZB of the Insolvency Act 1986; or
 - 1.3.3 Has within five years before the day of election or since her/his election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
 - 1.3.4 Has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders her/his disqualification.
 - 1.3.5 Is subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003.
- 1.4 The Chair and Vice Chair will be elected at the Annual Parish Council Meeting. The office of Chair should ideally not be held for more than one year.
- 1.5 **Proper Officer.** The Proper Officer shall be either the Clerk or another person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent. The Proper Officer will:
 - 1.5.1 Hold acceptance of office forms from councillors and a copy of their register of interests;
 - 1.5.2 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - 1.5.3 Prepare agenda for and take minutes of meetings of the Council.
- 1.6 **Code of Conduct.** All councillors will abide by the Code of Conduct at Annex A.

- 1.6.1 Upon notification by the Clerk that a councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against her/him. Such action excludes disqualification or suspension from office.
- 1.7 **Councillor Job Description.** The duties of councillors are covered in the job description at Annex B.
- 1.8 **Responsibilities.** Councillors will agree the division of responsibilities which will be reviewed at least annually and published on the Parish Council website. Each Councillor will become the subject expert in their areas of responsibility, will receive relevant correspondence via the Clerk and act as key liaison/attend meetings on that subject with specific bodies on behalf of the Council where possible.
- 1.9 **Attendance.** Councillors are expected to attend meetings regularly. If a councillor fails throughout six consecutive months to attend any meetings of the Council s/he ceases automatically to be a councillor unless either s/he has a 'statutory excuse' or if her/his failure is due to a reason approved by the Council before the end of this six month period.
- 1.10 **Declared Interest and Dispensations.**
- 1.10.1 Unless s/he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has a disclosable pecuniary interest. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- 1.10.2 Unless s/he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has another interest if so required by the Council's Code of Conduct. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- 1.10.3 A dispensation may be granted at the meeting by the Chair in consultation with the other councillors present if, having regard to all relevant circumstances, any of the following apply:
- 1.10.3.1 Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
- 1.10.3.2 Granting the dispensation is in the interests of the Parish; or
- 1.10.3.3 It is otherwise appropriate to grant a dispensation.
- 1.11 **Committees.** Committees of the Council, either temporary or standing, may be established. At least one member of each committee will be a councillor. Each committee will have Terms of Reference agreed by the Council and will report at least annually to a meeting of the Council. The Council may dissolve a committee.
- 1.11.1 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 1.11.2 Unless the Council determines otherwise, all the members of a sub-committee may be non-councillors.

2 **Organisation of Parish Council Meetings**

- 2.1 Meetings will be held in the Village Hall unless this is not available in which case another venue will be agreed. They 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. Meetings will normally commence at 7.30 pm and should be concluded by 10.00 pm.
- 2.2 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.
- 2.3 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. A question shall not require a response at the meeting nor start a debate on the question. The Chair may direct that a written or oral response be given.
- 2.4 **Agenda.** An agenda will be prepared for each meeting
 - 2.4.1 The agenda will include the following standing items:
 - 2.4.1.1 To receive apologies for absence
 - 2.4.1.2 To receive declarations of interest under the Council's Code of Conduct relating to business on the agenda
 - 2.4.1.3 To approve the minutes of the previous meeting
 - 2.4.1.4 Public participation session
 - 2.4.1.5 Financial report
 - 2.4.1.6 To receive any updates on planning
 - 2.4.1.7 To receive Councillors' reports
 - 2.4.1.8 Date and time of next meeting
 - 2.4.2 All additional items for the agenda are to be submitted to the Clerk at least seven working days prior to the meeting. The agenda will be agreed between the Chair and Clerk prior to distribution to Councillors, not less than five days prior to the meeting. Not less than three full days prior to the meeting, the Clerk will post copies of the agenda on the Parish Council website and the village notice board.
 - 2.4.3 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor of the district council representing the area of the Parish Council.
 - 2.4.4 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair.
- 2.5 **Quorum.** A quorum of a minimum of three councillors must be established at meetings before proceedings can commence. If less than three councillors are present the meeting can only report information and not make any decisions.
- 2.6 **Minutes.** The Clerk will take minutes of meetings summarising discussions and recording actions. In the absence of the Clerk, a nominated councillor will take the

minutes. Minutes are to be distributed within ten working days of the meeting for councillors to review and comment.

- 2.6.1 The minutes of the meeting will be signed by the Chair at the next meeting after being read and accepted as a true record. All pages of minutes will be signed, dated and numbered sequentially.
- 2.6.2 The Chair will only review items in the minutes of the last meeting where an action is pending. All other items will be accepted as closed unless any comments are raised by a councillor.
- 2.6.3 The minutes will be published on the Parish Council website not later than one month after the meeting has taken place.
- 2.7 **Conduct of Meetings.** The Chair, if present, shall preside at the meeting. If the Chair is absent from a meeting, the Vice Chair (if present), shall preside. If both the Chair and the Vice Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
 - 2.7.1 The Chair, or nominated deputy, will be responsible for the orderly conduct of Council meetings.
 - 2.7.2 Only one person will speak at a time. If more than one person wants to speak, the Chair shall direct the order of speaking.
 - 2.7.3 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
 - 2.7.4 If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
 - 2.7.5 If a resolution made under standing order 2.7.3 is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
 - 2.7.6 Subject to Clause 2.7.8, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
 - 2.7.7 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
 - 2.7.8 The press shall be provided with reasonable facilities for the taking of their reports of all or part of a meeting at which they are entitled to be present.
- 2.8 **Decision Making.** Subject to the meeting being quorate, all decisions shall be decided by consensus of all councillors present. Following discussion of an agenda item, a proposal may be submitted by any councillor present and a vote taken. The vote will

be counted as a simple majority with the Chair holding the casting vote in the event of a tie. The vote will normally be by show of hands but a secret ballot may be used at the discretion of the Chair. At the request of a councillor, the voting on any question will be recorded whether each councillor present voted for or against the question.

3 Ordinary Council Meetings

- 3.1 In an election year, the Annual Parish Council meeting shall be held on or within 14 days following the day on which the councillors elected take office. In a year which is not an election year, the Annual Parish Council meeting shall be held on such day in May as the Council decides.
- 3.2 In addition to the Annual Parish Council meeting, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- 3.3 The first business conducted at the Annual Parish Council meeting shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- 3.4 The Chair of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until her/his successor is elected at the next annual meeting of the Council.
- 3.5 The Vice-Chair of the Council, if there is one, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- 3.6 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, s/he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- 3.7 In an election year, if the current Chair of the Council has been re-elected as a member of the Council, s/he shall preside at the annual meeting until a new Chair of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- 3.8 In an election year, business will include delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, it will include delivery by the Chair of the Council of her/his acceptance of office form unless the Council resolves for this to be done at a later date.

4 **Extraordinary Council Meetings**

- 4.1 The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- 4.2 If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

5 **Financial Controls**

- 5.1 **Budget.** The Council will agree a budget and set a precept prior to the start of each financial year with sufficient notice to inform the District Council. The Council will report the outturn against this budget at the Annual Parish Meeting.
- 5.2 **Banking Arrangements.** Any changes to the Council's banking arrangements, including changes to authorised signatories, will be agreed at a Council meeting.
- 5.3 **Payments.** All payments will be authorised at a meeting of the Council. If a payment should be made prior to the next meeting, it may be agreed out of committee and authorised at the next meeting.
- 5.4 **Property.** No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law.
- 5.5 **Income.** The collection of all sums due to the Council is the responsibility of the Clerk.
- 5.6 **Contracts.**
 - 5.6.1 Where the Council engages in occasional projects that are likely to cost less than £500, there need not be tenders for quotation and local labour and services may be engaged where good value is to be found.
 - 5.6.2 Where the Council seeks contractors to do work on substantial projects or where an item to be purchased is likely to exceed £500, the Clerk/Councillor is to secure three quotations to establish best value. This will not necessarily be the lowest estimate.
 - 5.6.3 The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March.

6 **Planning Applications**

- 6.1 Upon receipt of a planning application from the District Council, the Clerk will send the application number details by email to all councillors. The councillor with responsibility for planning will review the application and, if appropriate, will arrange to visit the property and will report back in or out of committee to the Council.
- 6.2 Applications may be agreed out of committee and the decision confirmed at the next meeting. If necessary, planning applications will be considered at a Council meeting open to the public. If necessary, the Clerk will request a delay to the required

response time or, if this is not possible, an extraordinary meeting may be called to consider a planning application.

- 6.3 In considering planning applications, councillors will confine their comments to material considerations, taking account of national planning policies and guidance, and the current local plan. Guidance for councillors on what should be considered in planning applications may be found at Annex C.

7 Management of Information

- 7.1 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015. All relevant information will be published on the Parish Council website. All minutes and meeting agenda will also be posted on the village noticeboard.
- 7.2 The Council shall have in place and keep under review, technical and organisational measures to keep information secure (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- 7.3 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- 7.4 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- 7.5 Councillors, the Clerk, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 7.6 **Parish Correspondence.** All correspondence received will be logged by the Clerk and forwarded to the Chair or the councillor with relevant responsibility. The Clerk will be copied in to any replies. The correspondence will be reviewed at the next council meeting with a report on any action taken or any decisions to be taken by the Council.
- 7.6.1 The Clerk will retain a master file of correspondence by subject area whether a paper copy or on email.
- 7.6.2 When a councillor ceases to be a member of the Council all correspondence will be returned to the Clerk and any electronic copies deleted. If retained for a particular purpose, it must be returned to the Clerk or deleted on completion of the subject or within a year of the councillor standing down.

8 STANDING ORDERS GENERALLY

- 8.1 All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- 8.2 A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed as an agenda item at an Ordinary or Extraordinary meeting.
- 8.3 The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

CODE OF CONDUCT

- 1 This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.
- 2 This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.
- 3 The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.
- 4 Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life. These are:
 - 4.1 **Selflessness.** Holders of public office should act solely in terms of the public interest.
 - 4.2 **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.
 - 4.3 **Objectivity.** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - 4.4 **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 - 4.5 **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - 4.6 **Honesty and Integrity.** Holders of public office should be truthful.

¹ A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

a) is a member of any committee or sub-committee of the council, or
b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

4.7 **Leadership.** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

5 **Application of the Code of Conduct**

5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

5.2 This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when: you misuse your position as a Councillor; your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

5.3 The Code applies to all forms of communication and interaction, including at face to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

5.4 Your Monitoring Officer (at District Council) has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. You may seek advice from your Clerk, who may refer matters to the Monitoring Officer.

6 **Standards of Councillor Conduct**

6.1 This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken. Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.2 **Respect.** A Councillor:

6.2.1 Shall treat everyone, including other Councillors and members of the public with respect.

6.2.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

6.2.3 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

6.2.4 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

6.2.5 In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant

social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

6.3 Bullying, Harassment and Discrimination. A Councillor:

6.3.1 Shall not bully any person.

6.3.2 Shall not harass any person.

6.3.3 Shall promote equalities and not discriminate against any person.

6.3.4 Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

6.3.5 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

6.3.6 Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3.7 Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.4 Impartiality of Officers of the Council. A Councillor:

6.4.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

6.4.2 Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.5 Confidentiality and access to information. A Councillor:

6.5.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless:

- 6.5.1.1 **They have received the consent of a person authorised to give it; or**
- 6.5.1.2 **They are required by law to do so; or**
- 6.5.1.3 **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- 6.5.1.4 **The disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**
- 6.5.2 **Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**
- 6.5.3 **Shall not prevent anyone from getting information that they are entitled to by law.**
- 6.5.4 **When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**
- 6.6 **Disrepute.** A Councillor:
 - 6.6.1 **Shall not bring their role or local authority into disrepute.**
 - 6.6.2 As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.
- 6.7 **Use of position.** A Councillor:
 - 6.7.1 **Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.**
 - 6.7.2 A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.
 - 6.7.3 **Local authority Resources and Facilities.** A Councillor:
 - 6.7.4 **Shall not misuse council resources.**
 - 6.7.5 **Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.**
 - 6.7.6 A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.
- 6.8 **Compliance with the Code of Conduct.** A Councillor:

- 6.8.1 **Shall undertake Code of Conduct training as required by the local authority.**
- 6.8.2 **Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.**
- 6.8.3 **Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 6.9 **Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.**

7 Registering and Declaring Interests.

7.1 You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.2 Disclosable Pecuniary Interests

- 7.2.1 You must, within 28 days of taking office as a member or co-opted member, notify the District Council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 7.2.2 You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'². If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it.
- 7.2.3 Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 7.2.4 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

² A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

- 7.2.5 Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as an Executive member in exercise of your executive function, you must notify the Clerk of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.
- 7.2.6 You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Clerk.
- 7.2.7 You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix 1 is a criminal offence under the Localism Act 2011.

7.3 **Other Registerable Interests**

- 7.3.1 You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.
- 7.3.2 Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix 2), you must disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 7.3.3 Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.4 **Non-Registerable Interests**

- 7.4.1 Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.2 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.
- 7.4.2 Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.3 above and Appendix 2 you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

- 7.4.3 Where a matter affects the financial interest or well-being:
- 7.4.3.1 to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - 7.4.3.2 a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
- 7.4.4 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 7.4.5 Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it. 8.0

8 Gifts and Hospitality. A Councillor:

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 8.2 Shall register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 8.3 Shall register with the Clerk any significant gift or hospitality that they have been offered but have refused to accept.
- 8.4 The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. You do not need to register gifts and hospitality which are not related to your role as a Councillor. It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Disclosable Pecuniary Interests

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"Partner" means a spouse or civil partner, or 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.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.

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

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

Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management.

JOB DESCRIPTION FOR PARISH COUNCILLOR

Responsible to: The Parish Council and its electors

Responsible for: Effective leadership to foster the interests of all electors and the parish community

Role Purpose to: Represent the views of parishioners within and outside the Parish

Main Duties and Responsibilities

1. To participate constructively in the government of Swalcliffe Parish
2. To participate fully in the formation and scrutiny of the Parish Council's policies, budgets, strategies and service delivery including the Village Plan
3. To ensure, with other councillors, that the Parish Council is properly managed
4. To keep up to date with significant developments affecting the Parish Council at local, regional and national levels
5. To promote the economic, social and environmental well-being of the Parish
6. To deal with Parishioners' enquiries, representations and complaints
7. To represent the whole electorate, listen, and then represent the views of the whole community when discussing council business and working with outside bodies
8. To take an active part in the Parish Council's arrangements to build community capacity
9. To attend Parish Council meetings regularly
10. To prepare for meetings and be properly informed about the issues to be discussed
11. To take part constructively in meetings and form sound judgements based on what is best for the community and then abide by majority decisions
12. To represent the Parish Council on outside bodies to which the Councillor is appointed
13. To maintain proper standards of behaviour as an elected representative of the people
14. To fulfil the statutory and locally determined requirements of an elected member of a Parish Council, including compliance with all relevant Codes of Conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council)
15. To participate effectively as a member of any committee or working party to which the Councillor is appointed

16. To contribute constructively to open government and democratic renewal, to actively encourage the Parish to participate generally in the government of the area, and provide access to information where appropriate

17. To uphold the Parish Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised)

Skills and Qualities needed by a Swalcliffe Parish Councillor

- Having ideas, then exploring and expanding these and other ideas
- Interpreting information
- Visualising what might/might not happen
- Seeing the bigger picture
- Measuring and comparing results
- Reviewing and assessing objectively
- Drawing conclusions
- Making decisions
- Working collaboratively
- Dealing with conflict but not creating it
- Prioritising time, resources and finance
- Understanding budgets and financial paperwork
- IT skills
- Public speaking

Other Information

- There are seven seats on the Parish Council. Councillors are elected every four years. A Chair and Vice-Chair are elected annually. If a Councillor resigns, the vacancy may be filled by co-option.
- Parish Council meetings are held once a month (except July and August) in the Village Hall, normally starting at 7.30 p.m. The meetings are open to the public.
- Normal business includes:
 - Reviewing relevant planning applications
 - Authorising payments from Parish Council funds
 - Hearing representations from members of the Parish community
 - Reviewing the progress of Parish projects
- All Councillors must complete a Register of Members' Interests on joining and are expected to declare any specific interest in agenda items.

GUIDANCE ON PLANNING APPLICATIONS

In considering planning applications, the Parish Council will restrict its comments to the following **Material Considerations** taking account of national and local planning policy and guidance:

- Effect on designated area (conservation area)
- Relevance to a development plan if there is one
- A desire to retain or promote certain uses (playing fields, shops, pubs)
- Environmental impacts of the proposal (e.g. impact on ecology or landscape value; risk of ground contamination, flooding or pollution; noise and disturbance from use)
- Social impacts or impacts on residential amenity (e.g. loss of privacy, light or overshadowing)
- Economic impacts of the proposal
- Highway safety and access (including disabled persons access)
- The effect on the area including the character of the area, availability of infrastructure, over-development
- The design and appearance of the proposal including the proposed materials
- The planning history of the site
- The views of organisations and individuals in relation to material planning matters

The following are not considered to be material planning considerations:

- Loss of views
- Negative impact on property values
- Speculation over future use
- Noise and disturbance from construction work
- Competition between individual businesses
- Moral considerations (e.g. religious objections to licenced premises)
- Political or ideological opinions
- The cost of the development
- Land and boundary disputes, land ownership, damage to property, private rights of way, deeds and covenants, private issues between neighbours
- Issues covered by other legislation (e.g. building regulations)
- The character of the applicant
- Work that has been done without planning permission (it can commence at the owner's risk)