



YATE TOWN COUNCIL

STANDING ORDERS

These Standing Orders/Code of Conduct were adopted by the Town Council at the Full Council meeting on 20 February 2024

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Standing Orders shall be reviewed regularly, as necessary. (Once in a 4 year cycle prior to election or in light of new NALC model (Minor amendments made using delegated powers to the Clerk).

Amendments made by the Clerk according to delegated powers since the council last approved the full Standing Orders.

| Date | Standing Order | Amendments |
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Amendments made by Council by resolution, since the council last approved the full Standing Orders.

| Date | Standing Order | Amendments |
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**YATE TOWN COUNCIL
STANDING ORDERS**

1. Meetings

- 1.1 Subject to statutory requirements, meetings shall be held on an eight-weekly cycle on such days as the Council from time to time determine and shall take place at Poole Court, Yate unless the Council otherwise decides at a previous meeting. 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.
- 1.2 The minimum three clear days for notice of a meeting* does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- 1.3 The minimum three clear days' public notice for a meeting* does not include the day on which the notice was issued or the day of the meeting* unless the meeting is convened at shorter notice.

(*This applies to Full Council and Committee meetings)

- 1.4 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- 1.5 In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- 1.6 If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm. *(NB: The statutory time is 6pm. The annual meeting of Yate Town Council usually takes place at 7.30pm in an election year and at 8.30pm in a non-election year, immediately following a Full Council meeting).*

The Council will normally meet on a Tuesday evening.

- 1.7 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 decides.
- 1.8 The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- 1.9 The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- 1.10 The Vice Chair of the Council, if there is one, unless 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.
- 1.11 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, 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 must give a casting vote in the case of an equality of votes.

1.12 In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

1.13 Following the election of the Chair of the Council and Vice Chair (if there is one), of the Council at the annual meeting of the Council, the business of the annual meeting shall include:

- i. In an election year, 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, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
- ii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities;
- iii. Review of the terms of references for committees, sub-committees, project steering group and working groups;
- iv. Appointment of councillors to existing committees;
- v. Appointment of any new committees, confirmation of the terms of reference, the number of councillors (including, if appropriate, substitute councillors);
- vi. Review and adoption of appropriate Standing Orders and Financial Regulations;
- vii. Review of arrangements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- viii. Review of representation on or work with external bodies and arrangements for reporting back;
- ix. In an election year, to confirm that the Council is eligible or to make arrangements with a view to the Council becoming eligible to exercise the General Power of Competence;
- x. Review of inventory of land, assets and liabilities;
- xi. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xii. Review of the Council's Complaints Procedure;
- xiii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xiv. Review of the Council's policy for dealing with the press/media;
- xv. Setting the dates, times and place of meetings of the Full Council and committees for the year ahead.

1.14 The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), 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.

1.15.1 Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may, in their absence be done by, to or before the Vice-Chair of the Council (if there is one).

- 1.16 The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting. The Chair (Town Mayor) when attending any meeting of the Council or presiding at any other meeting convened by the Council may wear the chain of office.
- 1.17 A person shall raise their hand to indicate that they would like to speak.
- 1.18 Any person speaking at a meeting shall address their comments to the Chair.
- 1.19 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- 1.20 Councillors may ask the Chair, Committee Chair or the Clerk any question concerning the business of the Council, providing 5 working days' notice of the question has been given to the Clerk, in writing, before the meeting begins.
- 1.21 With the permission of the Chair, an urgent question may be asked providing it has been notified to the Clerk by 5pm on the evening prior to the meeting at which it is asked.
- 1.22 At the meeting itself, the member who has asked the original question may ask one supplementary question which is relevant to the original question.
- 1.23 A person to whom a question has been put may decline to answer but give reasons why.
- 1.24 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- 1.25 The Chair of a meeting 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 Standing Orders 1.11 and 1.12 for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council).*
- 1.26 Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- 1.27 The minutes of a meeting shall include an accurate record of the following:
- the time and place of the meeting;
 - the names of councillors present and absent;
 - interests that have been declared by councillors and non-councillors with voting rights;
 - the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - whether a councillor or non-councillor with voting rights left the meeting when matters on which they had declared an interest, were being considered;
 - if there was a public participation session and what it was about;
 - the resolutions made.

- 1.28 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.
- 1.29 A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- 1.30 No business may be transacted at a meeting unless at least one-third of the whole number of councillors of the Council are present and in no case shall the quorum of a meeting be less than three. *See Standing Order 2.8 for the quorum of a committee or sub-committee meeting.*
- 1.31 If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 1.32 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.
- 1.33 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.
- 1.34 The period of time which is designated for public participation above shall not exceed 30 minutes.
- 1.35 Subject to *Standing Order 1.34*, 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 5 minutes. Where there is more than one person wishing to speak the Chair shall manage participation.
- 1.36 The Council shall endeavour to answer questions or points made at the meeting, but if unable to do so, a response will be given in writing as soon as practical.

1.a) Virtual Meetings

- If council members decide to meet virtually (eg, owing to high Covid cases locally), and the whole meeting is held online, the meeting will not have any legal status and will serve as an advisory meeting to the clerk, who can take decisions using delegated powers;
- Any such meeting will be held via online video conferencing (Zoom or Teams), with telephone dial-in facility and will be open to the public (unless confidential matters are being considered);
- Any person wishing to speak shall raise their hand in person or indicate in an appropriate way. Anyone using telephone facility shall address the Chair indicating their wish to speak;
- Voting is by the raising of a hand; telephone users will be asked to state their vote by the Chair;
- Confidential matters will be dealt with at the end of the meeting, where applicable, and members of the public will be excluded from that part of the meeting;
- The recording of the meeting using Zoom software is prohibited unless by the clerk of the meeting. In accordance with the Openness of Local Government Bodies Regulations

2014, recording of the meeting is permitted using film, photography or making audio recordings.

Hybrid Meetings

- If council decides to hold hybrid meetings (eg the meeting is held face-to-face but also broadcast via Zoom or Teams with telephone dial in facilities) to allow for virtual attendance of Councillors and members of the public; the face-to-face meeting has legal status (subject to statutory requirements. However any Councillors attending virtually have no voting rights, do not count towards quorum and attendance does not count towards their meeting attendance.

2. Committees and Sub-Committees

- 2.1. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and councillors shall be determined by the committee.
- 2.2. The councillors of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- 2.3. Unless the Council determines otherwise, all the councillors of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- 2.4. The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of Full Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to *Standing Orders 2.2 and 2.3*, appoint and determine the terms of office of councillors of such a committee;
 - v. may, subject to *Standing Orders 2.2 and 2.3*, appoint and determine the terms of office of the substitute councillors to a committee whose role is to replace the ordinary councillors at a meeting of a committee if the ordinary councillors of the committee confirm to the Proper Officer¹ 3 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the councillors of a standing committee, appoint the chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements* and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three; (Standing order 1.2 and 1.3 (notice requirements) do not apply to Sub Committees,

¹ Where 'Proper Officer' is referred to throughout the policy this refers to the Town Clerk. In the absence of the Town Clerk the responsibilities of the Proper Officer are assumed by the Deputy Town Clerk

working groups etc however best practice is to give as much notice as possible and preferably within the same timescales as Full Council and Committees - however it is not a legal requirement for Sub Committees, Working Groups etc)

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee, sub-committee, project steering group or working group.

2.5. The Chair and Vice-Chair shall be ex-officio councillors of every committee and sub-committee. Ex-officio councillors are entitled to attend meetings but have no voting rights, do not count towards the quorum and do not have to submit apologies for non-attendance, unless the Chair and Vice-Chair are named as councillors of committees in their own right.

2.6. Every committee shall at its first meeting before proceeding to any other business, elect a Vice-Chair who shall hold office until the next annual meeting of the Council. Every sub-committee shall at its first meeting before proceeding to any other business, elect a Chair and Vice-Chair who shall hold office until the next annual meeting of the Council.

2.7. The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of no less than a quarter of the councillors of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

2.8. Except where a higher number is ordered by Council, the quorum of a committee or sub-committee shall be one third of its councillors who are elected councillors (rounded up in the case of odd numbers) or four, whichever is the lower figure, save that no quorum shall be less than three elected councillors.

2.9. Relevant Standing Orders in connection shall apply to committee and sub-committee meetings.

2.10. A councillor who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.

3. Project Steering Groups and Working Groups

3.1. Project steering groups and working groups may be appointed as necessary.

3.2. Every project steering group shall at its first meeting before proceeding to any other business, elect a Chair and Vice-Chair who shall hold office until the completion of the project (*subject to review if a councillor is not re-elected*).

3.3. Every working group shall at its first meeting before proceeding to any other business, elect a Chair and Vice-Chair who shall hold office until the next annual meeting of the Council.

3.4. The terms of reference for project steering groups and working groups are set out in the Town Council Terms of Reference.

3.5. Working groups may make recommendations and give notice thereof to the Council.

4. Extraordinary 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 7 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.

4.3. The Chair of a committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee at any time.

4.4. If the Chair of a committee does not call an extraordinary meeting within 7 days of having been requested by to do so in writing by 3 councillors of the committee or sub-committee, any 3 councillors of the committee or sub-committee may convene an extraordinary meeting of a committee or sub-committee.

5. Previous Resolutions

5.1. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with *Standing Order 7*, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee, or from a new matter arising from a written report of an officer.

5.2. When a motion moved pursuant to *Standing Order 5.1* has been disposed of, no similar motion may be moved within a further six months.

6. Voting on Appointments

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

6.2. If more than two posts are to be appointed, the Single Transferable Voting system is to be used.

7. Motions for a Meeting that Require Written Notice to be Given to the Proper Officer

7.1. A motion shall relate to the responsibilities of the meeting for which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and

obligations or an issue which specifically affects the Council's area or its residents.

- 7.2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 12 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 7.3. The Proper Officer may, before including a motion on the agenda received in accordance with *Standing Order 7.2*, correct obvious grammatical or typographical errors in the wording of the motion.
- 7.4. If the Proper Officer considers the wording of a motion received in accordance with *Standing Order 7.2* is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer, so that it can be understood at least 10 clear days before the meeting.
- 7.5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair 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 in the agenda or rejected.
- 7.6. Subject to *Standing Order 7.5*, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 7.7. Motions received shall be recorded for that purpose and numbered in the order that they are received.
- 7.8. Motions rejected shall be recorded for that purpose with an explanation by the Proper Officer for their rejection.

8. Motions at a Meeting that do not Require Written Notice

- 8.1. The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
 - iii. to move to a vote;
 - iv. to defer consideration of a motion;
 - v. to refer a motion to a particular committee or sub-committee;
 - vi. to appoint a person to preside at a meeting;
 - vii. to change the order of business on the agenda;
 - viii. to proceed to the next business on the agenda;
 - ix. to require a written report;
 - x. to appoint a committee or sub-committee and their councillors;
 - xi. to extend the time limits for speaking;

- xii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xiii. to not hear further from a councillor or a member of the public;
- xiv. to exclude a councillor or member of the public for disorderly conduct;
- xv. to temporarily suspend the meeting;
- xvi. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements;
- xvii. to adjourn the meeting; or
- xviii. to close a meeting.

9. Rules of Debate at Meetings

9.1. Motions on the agenda shall be considered in the order that they appear, unless the order is changed at the discretion of the chair of the meeting.

9.2. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution.

9.3. A motion (including an amendment) shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given it shall, if required by the Chair, be reduced to writing and handed to him or her before it is further discussed or put to the meeting. There will be only one amendment on the table at one time.

9.4. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.

9.5. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.

9.6. A councillor when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

9.7. A councillor shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

9.8. No speech shall exceed five minutes, except by consent of the Council.

9.9. An amendment shall be either –

- i. To leave out words;
- ii. To leave out words and insert or add others;
- iii. To insert or add words.

9.10. An amendment shall not have the effect of negating the resolution before the Council.

9.11. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.

- 9.12 If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- 9.13 A mover of a motion shall have the right of reply to the debate immediately before the vote on the substantive motion. The mover of an amendment shall have the right of reply to the debate on that amendment immediately prior to the vote on the amendment.
- 9.14 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 9.15 The mover of a resolution or of an amendment shall have a right of reply limited to three minutes.
- 9.16 A councillor, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure, or in exercising a right of reply.
- 9.17 During the debate of a motion, a councillor may interrupt only on a point of order or personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the other irregularities in the proceedings of the meeting he is concerned by.
- 9.18 A councillor may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him or her which may have been misunderstood. A councillor indicating a wish to speak for these purposes shall be heard forthwith.
- 9.19 A councillor may move an amendment to his own motion if agreed by the meeting. If the motion has already been seconded, then amendment shall be with the agreement of the seconder and the meeting.
- 9.20 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- 9.21 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply.
- 9.22 Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation;

v. to exercise a right of reply.

9.23 A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the meeting, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

9.24 When a motion is under debate no other resolution shall be moved except:

- i. To amend the motion;
- ii. To proceed to the next business;
- iii. To adjourn the debate;
- iv. To put the motion to a vote;
- v. To ask a person to be no longer heard or to leave the meeting;
- vi. To refer a motion to a committee or sub-committee for consideration;
- vii. To exclude the public and press;
- viii. To adjourn the meeting; or
- ix. To suspend particular Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.

9.25 In accordance with *Standing Order 9.22*, the Chair shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chair 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.

9.26 Excluding motions moved under *Standing Order 9.24* the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

9.27 The ruling of the Chair of the meeting on a point of order or interpretation of Standing Orders shall be final and shall not be discussed.

9.28 Councillors shall address the Chair.

9.29 A councillor shall remain seated unless requested to stand by the Chair.

9.30 If two or more councillors speak or indicate a wish to speak the Chair shall call upon one of them to speak and then the other(s) in turn.

9.31 Whenever the Chair speaks during debate, all other councillors shall be seated and silent.

10. Disorderly Conduct at Meetings

10.1. All councillors must observe the Code of Conduct, which was adopted by the Council on 14th May 2019 and amended on 7th January 2020, a copy of which is annexed to these Standing Orders.

10.2. No councillor or person present shall misconduct him or herself at a meeting by persistently disregarding the ruling of the Chair, by wilfully obstructing business, or by behaving

irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

10.3. If, in the opinion of the Chair, a councillor has so misconducted him or herself, the Chair shall express that opinion to the Council and thereafter any councillor may move that the councillor named be no longer heard or that the councillor named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion. If a councillor reasonably believes another councillor is in breach of the Code of Conduct, that councillor is under a duty to report the breach to the Monitoring Officer.

10.4. If a resolution made under *Standing Order 10.3* is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

11. Management of Information

See also Standing Order 19.

11.1 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (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.

11.2 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).

11.3 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.

11.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

12. Draft Minutes

12.1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

12.2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with *Standing Order 8.1(i)*.

12.3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

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

- 12.5. Draft minutes of Council or Committee meetings shall be published on the Council Website (which is publicly accessible and free of charge) within one month of the meeting taking place. The draft shall be replaced with the approved minutes within 7 days of their approval.
- 12.6. Subject to the publication of draft minutes in accordance with *Standing Order 12.5* and *Standing Order 19.1* and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Proper Officer

13.1. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

13.2. The Proper Officer shall:

- i. at least three clear days before a meeting of the Council, a committee or a sub-committee,
- serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
- provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- ii. Subject to *Standing Order 7*, include on the agenda all motions in the order received unless a Councillor has given written notice at least 10 days before the meeting, confirming his withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;
- iv. facilitate inspection of the minute book by local government electors;
- v. publish on the Yate Town Council website the minutes of meetings;
- vi. receive and retain copies of byelaws made by other local authorities;
- vii. retain acceptance of office forms from Councillors;
- viii. retain a copy of every Councillor's register of interests;

- ix. process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements;
- xii. arrange for legal deeds to be executed; *See also Standing Order 22*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. refer a planning application received by the Council to the Planning Sub-Committee or other appropriate committee within the time to facilitate an appropriate response to the Planning Authority;
- xvi. manage access to information about the Council via the publication scheme;
- xvii. and retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect or in contravention to the Town Council Terms of Reference.

14. Responsible Finance Officer

- 14.1 The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

15. Accounts and Accounting Statements

- 15.1 "Proper practices" in Standing Orders refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioners' Guide (England).'
- 15.2 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- 15.3 The Responsible Finance Officer shall make available to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the Council's income and expenditure for each quarter;
 - ii. the Council's aggregate income and expenditure for the year to date;

- iii. showing the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

15.4 As soon as possible after the financial year end at 31 March, the Responsible Finance Officer shall provide:

- i. each councillor with a statement summarising the Council's income and expenditure for the last quarter and the year to date for information;
- ii. to Full Council, the accounting statements for the year in the form of Section 2 of the annual governance and accountability return and Section 1 of the annual return, as required by proper practices, for consideration and approval.

15.5 The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (income and expenditure) for the year to 31 March. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

16. Estimates

16.1. The Council shall approve written estimates for the coming financial year at its Full Council meeting in January.

17. Financial Controls and Procurement

17.1. The Council shall consider and approve Financial Regulations drawn up by the Responsible Finance Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- v. whether contracts with an estimated value of below £25,000 due to special circumstances, are exempt from a tendering process or procurement exercise.

17.2 Financial Regulations shall be reviewed regularly, as necessary. (Once in a 4 year cycle prior to election or in light of new NALC model (Minor amendments made using delegated powers to the Clerk)

17.3 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 inclusive of VAT but less than the relevant thresholds referred to in *Standing Order 17.6* is subject to the "light touch" arrangements under Regulations 109 - 114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).

17.4 Subject to additional requirements in the Financial Regulations of the Council, the tender

process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised on Contracts website, on the Council's website and any other appropriate place;
 - iv. tenders are to be addressed to the Proper Officer and submitted in writing in a sealed marked envelope or via email to the nominated email address.
 - v. tenders submitted are to be opened, after the stated closing date and time, by the Clerk or the RFO or in the absence of the clerk or RFO, the Deputy RFO, in the presence of the Chair or the Vice-Chair of the Council or a member of the committee which will consider the tenders;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility, unless delegated powers have been granted to the clerk in consultation with a relevant committee, sub-committee or project steering group.
- 17.5 Neither the Council, nor a committee or a sub-committee or Town Clerk with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 17.6 Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

18. Handling Staff Matters

- 18.1. A matter personal to a member of staff that is being considered by a meeting of Council OR a committee or a sub-committee, is subject to *Standing Order 11*.
- 18.2. The Council shall appoint an appropriate member to conduct a review of the performance and annual appraisal of the work of The Town Clerk. The review and appraisal shall be reported in writing.
- 18.3. Any grievance raised by employees and / or councillors are referred to the Council's Grievance Procedure.
- 18.4. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 18.5. The Council shall keep all written records relating to employees secure. All paper records

shall be secured and locked and electronic records shall be password protected and encrypted.

18.6. Only persons with line management responsibilities shall have access to staff records referred to in *Standing Orders 18.4 and 18.5* if so justified.

18.7. Access and means of access by keys and/or computer passwords to records of employment referred to in *Standing Orders 18.4 and 18.5* shall be provided only to the Town Clerk, Deputy Town Clerk, Service Support Manager and the Chair of the Council.

19. Responsibilities to Provide Information

See also Standing Order 20

19.1 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

19.2 If gross annual income or expenditure (whichever is the higher) exceeds £200,000 The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

20. Responsibilities Under Data Protection Legislation

See also Standing Order 11.

20.1 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

20.2 The Council shall have a written policy in place for responding to and managing a personal data breach.

20.3 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

20.4 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

20.5 The Council shall maintain a written record of its processing activities.

21. Relations with the Press/Media

21.1 Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

- 21.2 Subject to *Standing Order 1a and Standing Order 21.3*, 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.
- 21.3 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 21.4 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.

22. Execution and Sealing of Legal Deeds

See Standing Orders 13.2xiii and 13.2 xviii

- 22.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council. Should a document require sealing urgently then the Proper Officer (or in the absence of the Proper Officer, the Deputy Town Clerk) shall, in consultation with the Chair or Vice Chair, arrange for the document to be sealed. All sealed documents shall be recorded in the document register and be reported to the next meeting of the Finance and Governance Committee.
- 22.2 The Council’s Common Seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses. It shall be recorded in the document register and be reported to the next Finance and Governance Committee.
- 22.3 Any two councillors of the Council may sign, on behalf of the Council, any licence or agreement and the Proper Officer shall witness their signature. It shall be recorded in the document register and be reported to the next Finance and Governance Committee.

23. Communicating with Unitary Councillors

- 23.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) representing South Gloucestershire wards of the parish.
- 23.2 Unless the Council determines otherwise, a copy of each letter and email sent to South Gloucestershire Council shall be sent to the appropriate ward Councillor(s) for South Gloucestershire Council.

24. Restrictions on Councillor Activities

- 24.1 Unless authorised by a resolution, no councillor shall:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions;
 - iii. make any statement or take any action in the name of or on behalf of the Council or purporting to be or likely to be construed as to be in the name of or on behalf of the Council which either commits Council to any expenditure or commits or appears to

commit the Council to any particular course of action unless authorised to do so by the Council or the relevant committee or sub-committee.

25. Code of Conduct and Dispensations

See also *Standing Order 1.29*.

- 25.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 25.2 Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 25.3 Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- 25.4 Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 25.5 A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- 25.6 A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- 25.7 Subject to *Standing Orders 25.4 and 25.6*, a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.

25.8 A dispensation may be granted in accordance with *Standing Order 25.5* above if having regard to all relevant circumstances the following applies:

- i. 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 or;
- ii. granting the dispensation is in the interests of persons living in the Council's area, or;
- iii. it is otherwise appropriate to grant a dispensation.

26. Code of Conduct Complaints

26.1 Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to *Standing Order 11*, report this to the Chair of the Council.

26.2 Where the notification in *Standing Order 26.1* relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with *Standing Order 26.4*.

26.3 The Council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

26.4 Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

27. Leave of Absence

27.1 Any Member who wishes to be granted formal leave of absence shall give notice to the Town Clerk in writing detailing the reasons for the absence and the anticipated period of time. This shall be presented to the Council for consideration.

28. Standing Orders Generally

28.1 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.

28.2 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 by a special motion, the written notice by at least 2 Councillors to be given to the Proper Officer in accordance with *Standing Order 7* or by recommendation from the Staffing and Governance Sub-Committee.

28.3 The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as

soon as possible after he has delivered his Acceptance of Office form.

28.4 The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.



Yate Town Council
Code of Conduct for Councillors (South Gloucestershire Council Code of Conduct
adopted 24.10.23)

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit- for- purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

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 of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

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.

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;

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
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer 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. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I 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.

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.

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.

In return, you have a right to expect respectful behaviour from the public. 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 local authority, the relevant social media provider 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.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as 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.

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.

Unlawful 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.

The Equality Act 2010 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.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can 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, you 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.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone

- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. 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
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

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. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. 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 I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7B – Consideration of Advice

As a councillor

7B.1 I will, when reaching decisions on any matter, consider and pay due regard to any relevant advice provided to me by:-

- a) the Council's Chief Finance Officer (S151) and/or
- b) the Council's Monitoring Officer

in accordance with their legal requirements.

7B.2 I will give reasons for departing from the advice of the Chief Finance Officer (S151) or Monitoring Officer

It is extremely important for you as a councillor to have regard to advice from your Chief Finance Officer or Monitoring Officer where they give that advice under their statutory duties. As a councillor you must give reasons for all decisions in accordance with any legal requirements and any reasonable requirements imposed by your local authority.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I do not make trivial/malicious or tit for tat complaints against other councillors

8.3 I cooperate with any Code of Conduct investigation and/or determination.

8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.5 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

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.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do 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 on my part 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.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 or totaling £100 over a year from a single source that I have been offered but have refused to accept within 28 days of the offer.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, 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. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

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.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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.

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.

Honesty

Holders of public office should be truthful.

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.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office or within 28 days of your interests changing you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.

You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable 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 Table 1 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.

1. 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 Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet 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.

Disclosure of Other Registerable Interests

6. 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 **Table 2**), 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.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being 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. 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.
8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests asset out in **Table 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.

9. Where a matter (referred to in paragraph 8 above) *affects* the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

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.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet 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.

Table 1: Disclosable Pecuniary Interests

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 | <p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>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</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land and Property | <p>Any beneficial interest in land which is within the area of the council.</p> <p>'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.</p> |
| 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 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 issued share capital of that class. |

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

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

Table 2: Other Registrable Interests

| |
|--|
| <p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> (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) <p>of which you are a member or in a position of general control or management</p> |
|--|

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Yate Town Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees;
- 1.2 when acting as a representative of the Town Council;
- 1.3 in taking any decision as a ward Councillor;
- 1.4 in discharging your functions as a ward Councillor;
- 1.5 at briefing meetings with officers and;
- 1.6 at site visits;
- 1.7 when corresponding with the authority other than in a private capacity.

Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| Interest | Prescribed description |
|---|---|
| Employment, office, trade, profession or vacation | 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 authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where— |

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

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

“M” means a member of a relevant authority;

“member” includes a co-opted member;

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

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

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.