

# **Document 2.1**

## **STANDING ORDERS**

*These Standing Orders provide procedures and controls for the management of Council business. Basic arrangements are contained in Schedule 12 of the Local Government Act 1972. Standing Orders should be seen as an aid to proper and effective governance. Over regulation can be an impediment.*

*References to the Chairman/Mayor in these Standing Orders include the Deputy Chairman/Deputy Mayor and any other Councillor when acting as Chairman/Mayor.*

**Adopted November 2013**

## Introduction

These Standing Orders contain two major sections.

Section 1 sets out the Council's formal Standing Orders. These are based on the model produced by the National Association of Local Councils in 2002. Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament and the text is printed in bold type. Those Standing Orders cannot be altered.

It is, of course, recognised that local councillors and staff can be male or female. Therefore, wherever the masculine gender is used, this should be interpreted as also meaning the feminine gender, where appropriate.

References to "Chairman" should be interpreted as a referring to the Town Mayor or whoever is presiding at a meeting.

The Appendix contains guidance notes for those presiding at meetings and a source to which to refer when there is a procedural difficulty during a meeting.

Finally, Section 2 includes the Statutory Code of Conduct that all Members are obliged to follow.

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## **SECTION 1 – THE FORMAL STANDING ORDERS**

## **1. Meetings**

- 1.1 Meetings of the Council shall be held at 7.00 p.m. unless the Council otherwise decides at a previous meeting.

## **2. The Annual Council Meeting**

- 2.1 In an election year, the Annual Town Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and
- 2.2 in a year which is not an election year, the Annual Town Council Meeting shall be held on such day in May as the Council may direct.

## **3. Other Council Meetings**

- 3.1 In addition to the Statutory Annual Town Council Meeting, at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

## **4. Chairman of the Meeting**

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

## **5. Proper Officer**

- 5.1 Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer:

To receive declarations of acceptance of office.  
To receive and record notices disclosing interests at meetings.  
To receive and retain plans and documents.  
To sign notices or other documents on behalf of the Council.  
To receive copies of bylaws made by another local authority.  
To certify copies of bylaws made by the Council.  
To sign and issue the summons to attend meetings of the Council.  
To keep proper records for all Council meetings.

## **6. Quorum of the Council**

### **6.1 Five members shall constitute a quorum at meetings of the Council.**

- 6.2 If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

- 6.2 For a quorum relating to a committee, please refer to Standing Order 25.4.

## **7 Voting**

- 7.1 Members shall vote by show of hands.

- 7.2 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- 7.3 Subject to 7.4 and 7.5 below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- 7.4 If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- 7.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## **8 Order of Business – Annual Council Meeting**

8.1 At each Annual Town Council Meeting the first business shall be:

- a) To elect a Town Mayor
- b) To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
- d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received
- e) To elect a Deputy Town Mayor
- f) To receive the Deputy Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received
- g) To appoint representatives to outside bodies
- h) To appoint committees

and shall thereafter follow the order set out in the Standing Order 9.

## **9 Order of Business – Other Council Meetings**

- 9.1 At every meeting other than the Annual Town Council Meeting, the first business shall be to appoint a Chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.
- 9.2 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- a) To receive the Town Mayor's announcements.

- b) To receive petitions and refer to relevant committee without any immediate debate.
- c) To read and consider the Minutes provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- d) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- e) To deal with business expressly required by statute to be done.**
- f) To dispose of business, if any, remaining from the last meeting.
- g) To answer questions from Councillors on matters arising from the previous minutes.
- h) To receive and consider reports and minutes of committees.
- i) To receive and consider reports from Officers of the Council, Rushcliffe Borough Councillors and representatives on outside bodies.
- j) To receive and consider resolutions or recommendations in the order in which they have been notified.
- k) To receive such communications as the person presiding may wish to lay before the Council..
- l) To authorise the sealing of documents
- m) If necessary, to authorise the signing of orders for payment.
- n) To consider any other items specified on the Agenda.
- o) There will be a period, not exceeding 20 minutes during each Full Council meeting, when members of the public may ask questions and make observations to the Town Council.
- p) In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 21 must be read in conjunction with this requirement.

## **10 Urgent Business**

10.1 A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

## **11 Resolutions Moved On Notice**

- 11.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.
- 11.2 The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 11.3 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 11.4 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 11.5 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 11.6 Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties or which affects its area.

## **12 Resolutions Moved Without Notice**

- 12.1 Resolutions dealing with the following matters may be moved without notice:
- a) To appoint a Chairman of the meeting.
  - b) To correct the Minutes.
  - c) To approve the Minutes.
  - d) To alter the order of business.
  - e) To proceed to the next business.
  - f) To close or adjourn the debate.
  - g) To refer a matter to a committee.
  - h) To appoint a committee or any members thereof.
  - i) To adopt a report.
  - j) To authorise the sealing of documents.
  - k) To amend a motion.
  - l) To give leave to withdraw a resolution or amendment.
  - m) To extend the time limit for speeches.
  - n) To exclude the press and public. (see Order 36 below)
  - o) To silence or eject from the meeting a member named for misconduct. (see order 33 below)
  - p) To give the consent of the Council where such consent is required by these Standing Orders.
  - q) To suspend any Standing Order. (see Order 42 below)
  - r) To adjourn the meeting.

## **13 Formal Questions**

- 13.1 A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided 7 clear days' notice of the question has been given to the person to whom it is addressed.
- 13.2 No questions that are not connected with the business under discussion shall be asked except during the part of the meeting set aside for questions.
- 13.3 Every question shall be put and answered without discussion.
- 13.4 A person to whom a question has been put may decline to answer.

#### **14 Rules of Debate**

- 14.1 No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 14.2 A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- 14.3 A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- 14.4 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 14.5 No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 5 minutes except by consent of the Council.
- 14.6 An amendment shall be either:
- a) To leave out words.
  - b) To leave out words and insert others
  - c) To insert or add words.
- 14.7 An amendment shall not have the effect of negating the resolution before the Council.
- 14.8 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.
- 14.9 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 14.10 The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.
- 14.11 A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

- 14.12 A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- 14.13 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- 14.14 When a resolution is under debate no other resolution shall be moved except the following:
- a) To amend the resolution.
  - b) To proceed to the next business.
  - c) To adjourn the debate.
  - d) That the question be now put.
  - e) That a member named be not further heard.
  - f) That a member named leaves the meeting.
  - g) That the resolution be referred to a committee.
  - h) To exclude the public and press.
  - i) To adjourn the meeting.
- 14.15 A member shall stand when speaking unless permitted by the Chairman to sit.
- 14.16 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- 14.17 Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- 14.18 Whenever the Chairman speaks during a debate all other members shall be silent.

## **15 Closure**

- 15.1 At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## **16 Disorderly Conduct**

- 16.1 **All members must observe the Code of Conduct which was adopted by the council in June, 2012, a copy of which is set out in Section 3.**



- 16.2 No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- 16.3 If, in the opinion of the Chairman, a member has broken the provisions of paragraph 16.2, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 16.4 If either of the motions mentioned above is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## **17 Right of Reply**

- 17.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## **18 Alteration of Resolution**

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

## **19 Rescission of Previous Resolution**

- 19.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 5 members of the Council.
- 19.2 When a special resolution or any other resolution moved under the provisions of paragraph 19.1 has been disposed of, no similar resolution may be moved within a further six months.
- 19.3 This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendation of a Committee

## **20 Voting On Appointments**

- 20.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## **21 Discussions and Resolutions Affecting Employees of the Council**

- 21.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may

be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 36)

## **22 Resolutions on Expenditure**

- 22.1 Any resolution (which is moved otherwise than in pursuance of a recommendation of the Policy and Resources Committee) and which, if carried, would, in the opinion of the Town Mayor, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Policy and Resources Committee shall report on the financial aspect of the matter).

## **23 Orders for Payment**

- 23.1 **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

## **24 Sealing of Documents**

- 24.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 24.2 The Council's Common seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members who shall sign the document as witnesses.

## **25 Committees**

- 25.1 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
  - b) may subject to the provisions of Standing Order 19 above at any time dissolve or alter the membership of committee.
  - c) In the event a Planning Committee member is unable to attend a meeting, a substitute member is permitted to be appointed for that particular meeting to ensure the meeting is quorate.
- 25.2 The Town Mayor and Deputy Town Mayor shall be voting members of every committee.
- 25.3 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the council.
- 25.4 Except where ordered by the Council, the quorum of a committee or sub-committee shall be one-half of its members.

## **26 Special Meetings**

- 26.1 The Chairman of a committee or the Town Mayor may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

## **27 Working Groups**

- 27.1 Every committee may appoint working groups for purposes to be specified by the committee.
- 27.2 The Chairman and Vice-Chairman of the committee shall be members of every working group appointed by it unless they signify that they do not wish to serve.
- 27.3 Each working group shall submit a written report of its activities to the next appropriate meeting of its parent committee.

## **28 Voting in Committees**

- 28.1 Members of committees entitled to vote, shall vote by show of hands
- 28.2 **Chairmen of committees shall in the case of an equality of votes have a second or casting vote.**

## **29 Presence of Non-Members of Committees at Committee Meetings**

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

## **30 Accounts and Financial Statement**

- 30.1 Except as provided in paragraph 30.2 or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 30.2 Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Town Mayor or Deputy Mayor.
- 30.3 All payments ratified under sub-paragraph 30.2 shall be separately included in the next schedule of payments before the Council.
- 30.4 The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of June. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of September.

### **31 Estimates & Precepts**

- 31.1 The council shall approve written estimates for the coming financial year at its meeting before the end of the month of January
- 31.2 Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31 December.

### **32 Interests**

- 32.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on June, 2012, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 32.2 Subject to Paragraph 12 of the Code of Conduct (see Section 3), if a member who has declared a personal interest then considers the interest to be**
- 32.3 prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 32.3 The Clerk shall compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- 32.4 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.
- 32.5 The Clerk shall make known the purpose of Standing Order 32.4 to every candidate.

### **33 Canvassing of and Recommendations by Members**

- 33.1 Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- 33.2 A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 33.4 Standing Orders 32.4, 32.5, 33.1, and 33.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **34 Inspection of Documents**

34.1 A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy (subject to legal restrictions).

**34.2 All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

### **35 Unauthorised Activities**

35.1 No member of the Council or of any committee shall in the name of or on behalf of the Council:

- a) Inspect any lands or premises which the Council has a right or duty to inspect;  
or
- b) Issue orders, instructions or directions

unless authorised to do so by the Council or the relevant committee.

### **36 Admission of The Public and Press to Meetings**

**36.1 The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public** by means of the following resolutions:

“That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded and they are instructed to withdraw”

36.2 At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

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

36.4 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that person to be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### **37 Confidential Business**

37.1 No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

37.2 Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **38 Liaison with County and District Councillors**

38.1 A Summons and Agenda for each full council meeting shall be sent, together with an invitation to attend, to the County and Borough Councillor for the appropriate division or ward.

38.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or Borough Council shall be transmitted to the County Councillor for the division or to the Borough Councillors for the ward as the case may require.

### **39 Planning Applications**

39.1 The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:

- (a) the date on which it was received
- (b) the name of the applicant
- (c) the place to which it relates.

### **40 Financial Matters**

40.1 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

40.2 Such Regulations shall include detailed arrangements for the following:

- a) the accounting records and systems of internal control;
- b) the assessment and management of risks faced by the Council;
- c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- d) the financial reporting requirements of members and local electors and
- e) procurement policies (subject to 40.3 below) including the setting of values for different procedures where the contract has an estimated value less than £10,000.

40.3 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in 40.4 below.

40.4 Any formal tender process shall comprise the following steps:

- a) a public notice of intention to place a contract to be publicised in the same manner as public notice of meetings is given and where the estimated value of the contract exceeds £50,000, a similar notice to be placed in a local newspaper;
- b) a specification of the goods, materials, services and the execution of works shall be drawn up;
- c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

40.5 The Council, and any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 59, 60 & 62 regarding improper activity.

40.6 The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

**41 Complaints**

41.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

**42 Variation, Revocation and Suspension of Standing Orders**

42.1 Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

**43 Standing Orders to be Given to Members**

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

## APPENDIX – GUIDANCE NOTES

### CHAIRMANSHIP

*NOTE: the word “Chairman” means the person actually presiding at a meeting and “Council” includes “committee,” where any function has been delegated.*

### BASIC PRINCIPLES

1. The officers and agents of the Council must act as the Council’s executive and carry out its decisions. They cannot do this properly unless they have instructions which they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.
3. The Council’s instructions are conveyed by resolutions and it is the purpose of the Council’s proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-
  - (a) protect the Council against *outside interference*;
  - (b) ensure that everything to be discussed is *lawful*;
  - (c) ensure that the Council is invited to deal with *clear issues*;
  - (d) ensure that as far as possible *information is complete*;
  - (e) permit every point of view to have a *fair hearing*;
  - (f) ensure that opinions expressed are *relevant* to the matter in hand;
  - (g) ensure that business is transacted with *reasonable speed*;
  - (h) ensure as far as possible that proceedings are *courteous* and *free from personalities*;
  - (i) co-operate with the officers and councillors.

### THE AUTHORITY OF THE CHAIR

#### *Origin*

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

#### *Nature and Limitations*

5. Whether or not the Council has passed any standing orders, the Chairman’s procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman’s ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.
6. The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.



## PRELIMINARY ISSUES

7. Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:-

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

## OUTSIDE INTERFERENCE

### *Public Disturbances*

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but maybe necessary.
9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

### *Rulings on notices*

10. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

### *Quorum*

11. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application for dispensation to their standards committee where appropriate.

### *Ultra Vires Proposals*

12. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section 137 power (*contained in the Local Government Act 1972*) is not a “long stop” in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

### A CLEAR ISSUE

13. *Every* decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman’s second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple “Yes” or “No”. From this there follow certain practical consequences:-
- (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
  - (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

### *The affirmative Form*

14. The most exact method of putting a question to the vote is by the use of the following formula:-  
“The resolution is as follows: -

(e.g.) ‘*That the Clerk’s salary be raised to £5,000 a year.*’

The motion is that this resolution be agreed to.”

(Note: A *resolution* is a proposal of the action intended to be taken: for example “That the Council buy a mower”. A *motion* is the procedural formula by which the Council disposes of business: for example “The motion is that the resolution be amended by \_\_\_\_\_” or “The motion is that the Council do now adjourn”.)

### *Separating the Issues*

15. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.
16. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

“If the Council is to spend its money would it prefer a swimming pool or a playing field?”

In more formal language the issue is put to the vote by substantive resolution and amendment: -

“The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

*leave out the words ‘swimming pool’ and substitute the words ‘new playing field.’*

The motion is that this is amendment be agreed to.”

18. A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*. (See also paragraph 35 below.)

#### METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

#### COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient, he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

#### IMPARTIALITY

21. When differences of opinion develop in discussion, it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions, nor his privilege, to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

#### RELEVANCE

##### *General Rule*

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being

said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

### *Personalities*

24. The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

### *Methods of Enforcement*

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

### *Revival of Decided Issues*

26. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly ruled out of order as irrelevant to the matter *now* under discussion, even if the member who raises it was not present when the item was considered.

### *Minutes*

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

### *Other Problems*

28.
  - (a) If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under "Matters Arising". That heading should be used only for reports of progress, and not for new or additional decisions.
  - (b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example "Mrs Smith of \_\_\_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_\_\_ Lane".

REASONABLE DESPATCH

### *Intervals*

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. The Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

### *Obstruction at Meetings*

30. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (*For points of order see paragraph 33 below.*)

### *Repetition*

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

### *References*

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

## SOME PROCEDURAL POINTS

### *Points of Order*

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion, it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?", the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion.

### *Procedural Resolutions*

34. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business (c) refer to committee.

#### *Closure Motions*

35. The following are the respective effects of closure resolutions:-

- (a) On the passing of a resolution to proceed to *next business*, proceedings on the business in hand come to a stop and no decision upon it can be taken.
- (b) On the passing of a resolution that the *question be now put*, the mover is usually entitled to reply before the matter is put to the vote. By custom, the chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- (c) A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

#### *Amendments*

36.

- (a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.
- (b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 18 above.)

#### *“Any Other Business”*

37. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under “A.O.B.” or the giving of a preliminary notification of important business for next time.

#### *“Urgent” Business*

38. The law makes no provision for dealing with “urgent” business. If it is “urgent” only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely “urgent”, that is it was too late for the agenda *and* it will be too late for action if left till the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

### USE OF CHAIRMAN'S VOTES

39. Save on one occasion, the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified for him to wait and then say “the voting is 5 to 4 against; I therefore vote in favour which makes it even.”

40. Where there is an equality of votes, a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since equality is not majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

#### PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is opinion that such exclusion is reasonable and in the public interest. Where the public and Press have been excluded the *decisions* made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion *must* be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

#### MALADMINISTRATION

42. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published *National Circular 2/86 – Code of Practice in Handling Complaints*, which recommends a standard and formal procedure to all Councils. In light of the Local Government Act 2000, Councils are recommended to agree, with their Standards Committee, a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board.

#### PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

#### LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order. This has not been done here, but councillors may well find it advantageous to establish a custom.

## **SECTION 2 – CODE OF CONDUCT**

### **Member Code of Conduct**

You are a Member or Co-opted Member of Bingham Town Council and as such are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

Accordingly, when acting in your capacity as a Member or Co-opted Member –

- i. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- ii. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties
- iii. When carrying out your public duties, you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit
- iv. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office



- v. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions
- vi. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- vii. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- viii. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example
- ix. You must have regard to any relevant advice provided to you by the Council's Town Clerk and Rushcliffe Borough Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties.
- x. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
  - a. You have the consent of a person authorised to give it
  - b. You are required by law to do so
  - c. The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - d. The disclosure is:
    - i. Reasonable and in the public interest and
    - ii. Made in good faith and in compliance with the reasonable requirements of the authority.
- xi. Members must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability

#### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by

regulations made by the Secretary of State (see attached Schedule), 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.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the authority'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.

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. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority'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.

## SCHEDULE

| <i>Subject</i>                                    | <i>Prescribed description</i>   |
|---|---|
| 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—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(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)—<br>(a) the landlord is the relevant authority; and<br>(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—<br>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and<br>(b) either—<br><br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br><br>(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. |

